

DIGEST OF THE PYGMY-OWL FORUM

FACILITATED BY CONGRESSMAN JIM KOLBE

**A public meeting, held January 7, 1998, to discuss issues surrounding
the cactus ferruginous pygmy-owl in Pima County, Arizona**



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Prepared by

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INTRODUCTION

The Cactus Ferruginous Pygmy-Owl

The cactus ferruginous pygmy-owl, *Glaucidium brasilianum cactorum*, is small, reddish-rusty brown, with a cream-colored, streaked breast. It is about 6 or 7 inches tall, not much larger than a sparrow.

Unlike most owls, it has a long tail, visible below its perch. The cactus ferruginous pygmy-owl is one of three subspecies of ferruginous pygmy owls, and has been found in lowland desert habitats in southern Arizona, southern New

Family	Strigidae (owls)
Genus	Glaucidium (pygmy owls)
Species	brasilianum (ferruginous pygmy owls)
Subspecies	cactorum (cactus ferruginous pygmy owl)

[Distinct population segments of species or subspecies are eligible for protection under the Endangered Species Act]

Mexico, western Texas, and Mexico. The pygmy-owl eats birds, insects, lizards, and small mammals, and nests in cavities of trees or large cacti. In 1997, Arizona's distinct population segment of the cactus ferruginous pygmy owl was listed as an endangered species by the U.S. Fish and Wildlife Service. This listed status gives certain federal legal protections to the owl through the Endangered Species Act. The protections can be extended to the owl wherever it is found, or wherever suitable habitat exists within its range. This includes portions of Pima County and parts of the Tucson area.

Potential Implications of the Pygmy-Owl Listing

The Amphitheater Public School Board began planning for construction of a new high school on a site in northwestern Tucson in 1994. The proposed construction site falls within potential owl habitat, according to the Arizona Game and Fish Department. Some have questioned whether or not the Amphitheater School District's plans for a new high school conflict with the protection of the pygmy-owl required under the Endangered Species Act. Similarly, some homebuilders and developers are concerned about the potential impact of the pygmy-owl endangered species listing on future building projects in Pima County. And some private landowners and public officials have asked what the Endangered Species Act might require of them.

The Forum

Congressman Jim Kolbe called a public forum to discuss the issues surrounding the pygmy-owl. The forum was held at St. Mark's United Methodist Church on Wednesday, January 7, 1998, from 7:00-10:00p.m. The purpose of the forum was to provide everyone with a common set of facts and to relieve some of the uncertainties that have been expressed. It was also intended to provide an opportunity for agency officials to hear a full range of concerns of the public and organized interest groups. The forum was not an attempt to debate or find consensus. The different agencies that have a role in the pygmy-owl controversy were to clarify that role, and interested individuals could express their opinions and concerns to those officials.

The forum consisted of two panel presentations and a question and answer period. The first panel featured public officials, who explained current public policy, including the legal requirements and procedures for administration of the Endangered Species Act, as well as what has been discovered about the pygmy-owl through surveying efforts and interpretation of historical literature. The second panel consisted of representatives of interested organizations, who explained their concerns, positions, and actions with respect to issues raised by the owl's endangered status. The forum was open to the public, and various organizations were invited by Congressman Kolbe to attend. Attendance at the forum was estimated at 400-500 people or more.

This digest summarizes the issues and viewpoints that were presented at the forum. It is not a word-for-word account of every remark, but a brief review of the major topics that were addressed. Each presenter had the opportunity to review and correct his/her remarks and answers to questions as summarized. The Question and Answer section presents representative concerns organized into five categories: the endangerment of the cactus ferruginous pygmy-owl, the Endangered Species Act and its Administration, Amphitheater School District's plans for a new high school, economics and development impacts, and conflict and cooperation.

Copies of written comments that were submitted after the forum and an expanded version of the Question and Answer period as well as the full text from some of the panel presenters are available at the websites of Congressman Jim Kolbe (<http://www.house.gov/~Kolbe/>) and the Udall Center for Studies in Public Policy (http://vpr2.admin.arizona.edu/udall_center/), as well as at the public libraries in Tucson.

PANEL ONE--REPRESENTATIVES OF PUBLIC AGENCIES

Current Public Policy: Status and Implications

SUMMARY OF THE PRESENTATIONS BY DAN ASHE, ASSISTANT DIRECTOR FOR EXTERNAL AFFAIRS, U.S. FISH AND WILDLIFE SERVICE, WASHINGTON, D.C., AND NANCY KAUFMAN, SOUTHWEST REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, ALBUQUERQUE, NM

Dan Ashe and Nancy Kaufman represented the U.S. Fish and Wildlife Service, which is legally responsible for conserving threatened and endangered species. Their purpose at the forum was to help foster a better understanding of the Endangered Species Act, the cactus ferruginous pygmy-owl, and the U.S. Fish and Wildlife Service's role in preserving the owl. They were also interested in establishing a cooperative and open dialogue with the community, providing accurate information to the public, and listening to the different viewpoints presented. Ashe stressed that he and the Director of the U.S. Fish and Wildlife Service will assist the Phoenix field office and the Albuquerque Regional Office of the Service with their responsibility in working with the community to protect the pygmy-owl.

Habitat Conservation Plans

Ashe stated that working with the different public and private interests involved is an important part of the process of protecting endangered species. One useful conservation tool is a Habitat Conservation Plan (HCP). These plans are developed through the cooperation of stakeholders, including government agencies, interest groups, landowners, and other private individuals. They are cooperative efforts that provide for economic development and growth, while conserving species and their habitat. There are currently over 200 HCPs in effect, and nearly 200 more are being developed across the country. HCPs are created to address the needs of the species involved, as well as the human systems that interact with them. Ashe wanted to make it clear that if you have, or think you have, an endangered species on your property, it is not the end of the world. Growth, economic development, and endangered species are not incompatible goals.

Nancy Kaufman, as the Southwest Regional Director for the U.S. Fish and Wildlife Service, is the person largely responsible for implementation of the Endangered Species Act with respect to the pygmy-owl issue. She explained the Endangered Species Act and clarified the role of her agency. A copy of the slides she used during her presentation are available on the world wide web pages of Congressman Kolbe and the Udall Center for Studies in Public Policy (see *FURTHER INFORMATION* in the Appendices).

The purpose of the Endangered Species Act, as Kaufman summarized it, is to provide a means by which the ecosystems of endangered and threatened species may be conserved. "Ecosystem" essentially means the place where a species lives. The five factors used to "list" a species (place a species on the endangered species list) are:

- ▶ the present or threatened destruction of habitat or range
- ▶ overutilization
- ▶ disease or predation problems



Photo by Chan Robbins

Photo from
National Biological Survey

- ▶ inadequacy of existing regulations to protect the species
- ▶ other natural or human-made factors

The factor that is most important in the case of the pygmy-owl's listing is the present or threatened destruction of habitat or range.

The entities eligible for listing include species, subspecies, and distinct population segments of vertebrates (the term "vertebrates" includes any type of animal with a spine or backbone). The pygmy-owl in Arizona was listed as one of four distinct population segments of the cactus ferruginous pygmy-owl. The issues that the U.S. Fish and Wildlife Service used to determine whether Arizona's distinct population segment of the cactus ferruginous pygmy-owl deserved listing include discreteness, significance, and status of the population segment.

<u>Discreteness</u>	<u>Significance</u>	<u>Status</u>
Population segment is discrete if: <ul style="list-style-type: none"> ▶ It is markedly separated from other populations of the taxon*, by physical, physiological, or ecological or behavioral factors; or ▶ It is delimited by international governmental boundaries, with governments having significantly different controls of exploitation, management of habitat, conservation status, or regulatory mechanisms <p>*A taxon refers to a group of organisms sharing common characteristics</p>	Discrete population segment may also be significant if: <ul style="list-style-type: none"> ▶ It persists in an ecological setting unusual or unique for the taxon ▶ Loss of the discrete population segment would result in a significant gap in the range of the taxon ▶ It represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or ▶ it is markedly different from other populations of the species in its genetic characteristics 	If a population segment is discrete and significant (i.e. it is a distinct population segment) its evaluation for endangered or threatened status is based on the assessment of the following factors: 1) the present or threatened destruction, modification, or curtailment of habitat or range; 2) over-utilization for commercial, recreational, scientific, or educational purposes; 3) disease or predation; 4) the inadequacy of existing regulatory mechanisms; or 5) other natural or manmade factors affecting its existence. <p>From: 61 FR 4725, February 7, 1996</p>

The Endangered Species Act has a number of parts. Section 7 of the Act, for example, requires federal agencies to ensure that their actions do not cause harm to a listed species. "Harm" means an act that actually kills or injures wildlife which may include significant habitat modification or degradation that impairs essential behavioral patterns. "Take," under Section 3, means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any of these activities. Harm and take, then, include activities beyond killing the species.

Section 10 of the Act deals with individual citizens (as opposed to federal agencies), and their incidental taking of endangered or threatened species. It is this section that allows for the development of Habitat Conservation Plans and may allow a permit for the incidental taking of a species on private land.

Recovery Plans

The Endangered Species Act requires that a Recovery Plan be completed for the pygmy-owl. The Recovery Plan is completed by a team of scientists, stakeholders, and others that have information that would be useful in conserving the species. In the Plan, the U.S. Fish

and Wildlife Service will examine each of the factors used in listing the pygmy-owl and try to somehow remedy each factor. The purpose of the Recovery Plan is to help recover species so they can be removed from the endangered species list.

SUMMARY OF PRESENTATION BY BRUCE TAUBERT, ASSISTANT DIRECTOR OF WILDLIFE MANAGEMENT, ARIZONA GAME AND FISH DEPARTMENT

Taubert presented information on the pygmy-owl and its habitat, and clarified the role of the Arizona Game and Fish Department (AGFD) in enforcing the Endangered Species Act.

The Pygmy-Owl Status in Arizona

Because of frequent mention of the owl in historical literature, Taubert explained, sightings of the owl were more common at the turn of the century than they are now. The extent of the pygmy-owl's range in Arizona appears to be shrinking. The cactus ferruginous pygmy-owl was included on the Threatened Native Wildlife of Arizona list in 1982 and 1988. It was listed in AGFD's draft Wildlife of Special Concern in Arizona, October 14, 1996. Arizona Revised Statutes, Title 17, provides for the protection of endangered and threatened species within the state, and under Section 6 of the federal Endangered Species Act, AGFD cooperates with the U.S. Fish and Wildlife Service in the conservation of federally listed species as well.

Pygmy-Owl Habitat

Because limited information is available, AGFD is not certain which habitat is optimal for this species. The pygmy-owl seems to be a habitat generalist, using both riparian and a variety of Sonoran desert scrub habitats. The extent of its habitat, however, is unknown: the Bureau of Land Management estimates that there are approximately 1.5 million acres of potential habitat on its lands. In the immediate area around Tucson, 55,000 acres of potential habitat have been identified, but less than 10% of that land has been surveyed to date.

Summary of Surveying Efforts

Taubert explained AGFD's surveying efforts and summarized the number of pygmy-owls found since surveys began in 1993. The Department has focused its efforts in historic owl locations and suitable habitat. The Department's budget for surveys is limited and shrinking, according to Taubert, and this focusing of survey efforts is the method calculated to be most successful at discovering owls. The chart below summarizes the chronology of survey efforts by AGFD.

Future plans for study include: (1) habitat sampling at 30 locations in Arizona where cactus ferruginous pygmy-owls have been located since 1993, to help define suitable pygmy-owl habitat; (2) revising the survey technique in cooperation with the U.S. Fish and Wildlife Service; (3) radio telemetry, which will provide a better understanding of range, distribution, and habitat preferences; (4) expanding the survey area to include state lands and Bureau of Land Management property north and west of Tucson; and, (5) beginning to investigate the potential for conserving habitat through conservation easements or cooperative agreements.

Year	Arizona Game and Fish Department Action
1981	Pygmy-owl first identified as an issue
1993	First surveys; 62.4 square miles; 1 owl found
1994	70 sq. miles; 3 owls found, 2 of them in Tucson
1995	40 sq.miles; 9 owls found, including nesting pair
1996	22 sq. miles; 12 owls found, including nesting pair
1997	limited surveys; 6 owls found, plus 4 young fledged from a nest

Habitat Conservation Easements

The Department is interested in working with private landowners who are willing to conserve the pygmy-owl habitat found on their property. A conservation easement is a legally binding agreement between AGFD and the property owner, where the landowner sells a specific set of rights associated with the property to the Department. Transferring the rights to AGFD leads to a mutually beneficial relationship, where pygmy-owl habitat is conserved and the property owner maintains ownership and receives benefits, like tax breaks or cash. The Department has not yet completed any conservation easements, but it is presently discussing the option with several landowners in northwest Tucson.

SUMMARY OF PRESENTATION BY JIM MAZZOCCO, PLANNING OFFICIAL, PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT

The Planning Department of Pima County Development Services Department (PCDSD) deals with long-range land use planning, rezonings, development review of projects, permitting, building codes, and zoning enforcements. The role of PCDSD in the pygmy-owl issue is to assist and be responsive to the federal and state agencies responsible for protecting the pygmy-owl. Pima County has no wildlife office of its own, so the Arizona Game and Fish Department offers wildlife expertise to Pima County.

Permits and Notification

Mazzocco summarized PCDSD's current policy toward anyone seeking permits. He said that the issue is evolving quickly, and to illustrate this point showed two maps. The first was a 16-square-mile area in the northwestern Tucson area. The second map showed a larger area, including much of eastern Pima County. This map represents regional pygmy-owl habitat, and at the time of the forum, PCDSD was going to begin issuing the same notifications to most of those within this larger area seeking a permit. The potential habitat would include areas below 4,000 feet in elevation, with saguaros, palo verde, and mesquite vegetation.

If someone requests a building or grading permit within a potential habitat area, PCDSD gives them a piece of paper notifying them that they are in potential pygmy-owl habitat. The notice informs the person that it is a violation of federal law to harm the species, and

that a copy of the permit will be forwarded to the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department. It further states that issuance of the permit does not mean that the person is complying with federal or state regulations.

Mazzocco wanted to make several points clear. First, permits are not being denied to anyone. It is the responsibility of the applicants to follow regulations set forth by the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department. PCDSO will continue to provide notice to all of those issued a permit within the regional pygmy-owl habitat area. Also, PCDSO will provide monthly summaries of permits issued in the habitat area to the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department.

Rezoning

As a condition of rezoning, applicants are required to do an owl survey. The surveys are included with the application and will be reviewed by the Pima County Board of Supervisors. As of the time of the forum, PCDSO was going to begin requiring owl surveys on all rezonings 3.3 acres or greater that fall within the regional (larger) habitat area. One policy change PCDSO is considering is to modify the zoning code to encourage habitat restoration and preservation, perhaps by requiring set aside areas.

PCDSO has preliminary plans to request that the Arizona Game and Fish Department survey for pygmy-owls on County property and recommend protection strategies where owls are found. They would also like to cooperate with other public officials in the creation of a regional conservation plan for protection of the pygmy-owl. This plan would require an identification of legal constraints on a habitat protection strategy, and it would require public officials and the public to review and create innovative ways of protecting habitat.

PANEL TWO--REPRESENTATIVES OF INTEREST GROUPS
Multiple Perspectives: Issues and Concerns

SUMMARY OF PRESENTATION BY KIERAN SUCKLING, EXECUTIVE DIRECTOR OF THE SOUTHWEST CENTER FOR BIOLOGICAL DIVERSITY

Suckling likened the development problems in Tucson to the story of the Titanic, where the captain of the ship knew that the safe and wise thing to do was to go slow and look ahead. But that didn't happen because of pressure from "bigwigs." Likewise, Suckling asserted that Tucson's leaders know that the area is headed for disaster with development, but they are pressured to move ahead by the large developers.

The Problem of Poorly Planned Growth and Development

Suckling suggested that our quality of life is being affected by the push for more and more development without a plan for how to do it while preserving open space at the same time. He asserted that planning in Tucson presently consists of developers going in and asking for rezonings. Consequently, the city is looking more and more like L.A. He pointed to the drying up of the Santa Cruz River and subsequent loss of trees on its banks, and the loss of the Pusch Ridge population of the Bighorn as warning signs, just as the pygmy-owl warns us of the need to slow down and ask what the wisest way to go forward is.

Suckling noted that the Southwest Center for Biological Diversity is not anti-growth, and its agenda is not to stop all growth in Tucson. Rather, it wants leaders to devise a plan that all can agree on, rather than being held hostage by the latest development idea. The pygmy-owl can and does live near people, and it won't require a ban on building. But it does require open space, just as humans do. He cited the instance of 72 percent of residents in the Tortolita area--in the middle of the 16-square-mile area shown by Mazzocco's map--voting to incorporate in order to slow growth and protect a rural lifestyle. Suckling stated that the desire by humans to lead a good life is what will also protect the pygmy-owl.

The Amphi Issue

Suckling wanted to clarify that Amphitheater School District's problems did not occur because "some darned animal" moved in and stopped development. The pygmy-owl was proposed as an endangered species (which is the first step to getting listed) before Amphitheater School District (Amphi) bought its land. He asserted that Amphi knew that the Southwest Center had proposed it as an endangered species and that Arizona Game and Fish had warned Amphi that pygmy-owls had been in that area. Suckling contended that the School Board should have slowed down its plans and determined whether the owl actually was on its land, so its plans would not get disrupted later on. The School Board's plans did get disrupted, because the owl did get listed as an endangered species.

Suckling expressed disappointment that, at Amphi's request, the Army Corps of Engineers had, on the day of the forum [January 7, 1998], broke off the consultation process with the U.S. Fish and Wildlife Service in which the Corps was consulting with the Service to devise an acceptable way to build a school. Had the Corps continued the process, according to Suckling, a biological opinion would have clarified whether or not the Amphi school could be built as planned. And if not, it would have had to provide an alternative that would not harm the owl. Suckling expressed concern that without the Army involved

anymore, all the responsibility for protecting the owl is on Amphi's shoulders. By law, Amphi cannot harm, take, or kill an owl on that property.

The Southwest Center hopes that the pygmy-owl will, in general, wake us up to planning for the future. And, Suckling noted, that includes Amphi doing its part to plan in such a way that the owl is protected.

SUMMARY OF PRESENTATION BY ALAN LURIE, EXECUTIVE VICE PRESIDENT OF THE SOUTHERN ARIZONA HOME BUILDERS ASSOCIATION (SAHBA)

Lurie stated that the homebuilding industry is not against the Endangered Species Act (ESA), but wants legislation designed to protect endangered species to be effective, equitable, and efficient. He noted that SAHBA believes that the ESA is being ill-used to control growth. While the problem posed by the pygmy-owl needs to be addressed, it demonstrates the necessity of ESA reform.

The Pygmy-owl Illustrates the Need for Reform of the Endangered Species Act

Lurie listed three concerns with the listing of the pygmy-owl:

- 1) whether the owl should have been listed as endangered to begin with, given that the owl is abundant in Mexico and the Tucson area represents the northwest fringe of the owl's range;
- 2) that the U.S. Fish and Wildlife Service sidestepped the legal requirement for an economic analysis by listing "de facto" critical habitat for the owl, instead of listing critical habitat; and
- 3) that private property will be taken without just compensation, a right guaranteed to the public under the 5th Amendment of the United States Constitution.

The Endangered Species Act bans absolutely many activities and severely restricts use of privately owned land.

Costs of Protecting the Pygmy-owl and Other Endangered Species

Lurie asserted that property owners are being forced to bear the burden of protecting the entire subspecies of the owl. To illustrate the problems for property owners, he cited the case of an elderly couple who received letters from the U.S. Fish and Wildlife Service [sent to all landowners in the affected area] telling them to stop clearing vegetation because the pygmy-owl was known to inhabit the general vicinity of their property. The letter listed penalties for violation of the ESA, including fines and jail time. Lurie said that the woman told him that soon after that letter came, she received a call asking if she had received the letter and why she had not returned a confirmation of her receipt of that letter. According to Lurie, she told him that she was packing her home up and getting ready to go to jail. He said the couple had lived on that property for nearly 26 years and had paid \$350,000 in property taxes. When asked what the property was worth now, the woman told Lurie she could not get anybody to buy it.

Lurie noted that since SAHBA could not get the U.S. Fish and Wildlife Service to tell where the de facto critical habitat existed, it asked the Service where critical habitat did NOT exist. SAHBA filed a Freedom of Information Act request in September, asking where it was acceptable to build. The Service provided only incomplete information.

In researching other areas of the country in which the homebuilding industry had undergone the same type of scrutiny from the ESA, Lurie was advised by the National Homebuilders Association to call Austin, Texas. He was told that it was the property owners who had been hit the hardest by the listing of two birds in their area. According to Lurie:

- ▶ The people who were already building homes in the affected area, after much consultation, were allowed to continue building their homes at an additional cost of \$1,500 per home.
- ▶ Those who had not yet started to build were required to buy enough land to achieve a 3:1 property-to-house ratio. The cost of additional parcels of land, at \$5,000 per parcel, added \$15,000 to the cost of building.
- ▶ The people participating in this arrangement had to set up an endowment to ensure the perpetual care of the area.
- ▶ The developers that had been working in the affected area were bankrupted.

Finally, Lurie indicated that SAHBA would like to see the U.S. Fish and Wildlife Service make good, scientifically-based listing decisions with the help of private landowners, including builders and developers.

SUMMARY OF THE PRESENTATION BY CRAIG MILLER, SOUTHWEST REPRESENTATIVE OF THE DEFENDERS OF WILDLIFE

Miller posed the question: Do we, as a community, care enough about other species, their habitats, and our own welfare to modify our behavior slightly to allow other life forms to survive?

In defense of the Endangered Species Act (ESA)

Miller attributed the current lack of vision in managing growth and protection of open space and wildlife to the idea that money and power can impair judgement. And fortunately, public lawmakers have put regulatory mechanisms in place that attempt to prevent human activities from resulting in ecological crises. The ESA requires us to consider how our actions affect our environment.

Miller stated that the endangered pygmy-owl represents another signal that we have decimated our riparian habitat. He noted that we are all inextricably linked to the natural world, and the ESA is one of the last defenses against its destruction. The ESA's primary purpose is to conserve the ecosystems upon which threatened and endangered species depend for food and livelihood, but perhaps its most compelling justification is that it protects human welfare itself. Interacting in their habitats/ecosystems, the diversity of wildlife and plants

- ▶ provides food, medicine, shelter
- ▶ manufactures the air we breathe
- ▶ cleanses our water
- ▶ fertilizes our soil
- ▶ cycles nutrients
- ▶ decomposes waste

- ▶ controls floods, insects, and pests
- ▶ provides important psychological benefits, ranging from stress relief, to satisfaction from fulfilling our ethical duty to safeguard creation

A Moral Obligation to the Future

Miller suggested to the forum that, beyond the value to ourselves of services provided by flora and fauna within ecosystems, we have a moral obligation to pass our natural estate on to our descendants in no worse condition than we received it. According to Miller:

- ▶ Biologists estimate that in the past 150 years human activities have increased the global extinction rate by hundreds, if not thousands, of times, producing the greatest extinction event since the decline of dinosaurs.
- ▶ Arizona is among the worst states in the country at protecting its biodiversity. In Arizona, 58 species are listed as endangered, 29 are listed as threatened, and roughly 20 have either been extirpated or already lost to extinction. Of its native 35 fish species, 19 are federally listed as endangered or threatened.

Why Environmental Groups Have Sued Over the Pygmy-Owl Issue

The ESA requires concerned citizens to not only give notice of potential violations of the Act, but also to express an intent to sue, when the original purpose of the notice provision was to avoid lawsuits entirely. Miller noted that forcing environmental groups to threaten suit at the outset of getting involved in ESA conflict, such as the pygmy-owl case, is not at all conducive to cooperative resolution.

Miller said that nobody in the environmental community is opposed to the Amphi School District building a new high school. Students' needs and the preservation of species are both important and worthy causes; a school will and should be built. But he reported that when the Amphi School Board received a letter from Defenders of Wildlife, the Southwest Center, and other local organizations informing them that clearing the vegetation on their site would be a violation of the ESA, the school board immediately ran to the press. Later, the school board submitted a letter to the U.S. Fish and Wildlife Service expressing their intent to sue the agency if they were not allowed to build at the site, regardless of the impacts on the owl. From there, according to Miller, the issue grew.

Miller asked for a demonstration of responsible leadership by selecting a suitable location and beginning construction of the school immediately. The current site, including the adjacent 14 acres on the east side, is not acceptable. Conservationists are now attempting to both conserve the owl and locate alternative sites for the high school, which may cost Amphi less. At the same time, he asserted, the school board is continuing to invest money in a bad decision--they paid too much for the property and the biological costs are unacceptable. If the school board can recover most of their losses, then we should go forward with a less environmentally sensitive and cheaper site.

Miller concluded his remarks by noting that the only crisis here is the imminent extinction of Arizona's pygmy-owl. There is no economic crisis or crisis for developers. The economy is growing. Human population is skyrocketing, and a short pause to develop a community based recovery strategy and regional land use plan will only help everyone.

SUMMARY OF THE PRESENTATION BY GARY WOODARD, VICE PRESIDENT OF THE AMPHI-THEATER SCHOOL BOARD

Woodard noted that he was skeptical to hear that there are cheaper, better sites to build a school on, given that the Amphi School Board's research showed that all sites available for sale were more expensive, tended to have more washes, were below 4,000 feet, were over 3 acres in size, and had vegetation on them sufficient to make them potential owl habitat.

Woodard agreed that there is a lack of leadership in the controversy. He suggested that people do not know how to handle the situation and are passing the buck down to lower levels of government. These, in turn, hand out yellow pieces of paper to landowners, saying, "Call the feds." It is not working.

History of Efforts to Solve Overcrowding Problems in the District

Woodard stated that the school board would not mind if development were to slow down and ease up, but it is trying to build a school for kids who are already here. Amphi's first high school was built decades ago. CDO opened in the 1960s. The district started looking for a third high-school site in the late 1970s when it was clear that there was going to be a lot of development on the northwest side. Some tentative deals were worked out with developers, but in the late 1980s, many developers either went bankrupt or wound up in jail, and suddenly there was not a viable high school site.

By 1993, overcrowding existed at a growing number of Amphi schools, at all levels, in part due to the growth on the northwest side and in part because of the Baby Boom echo moving through the school. At the time, the most critical crowding was at the elementary level. The board could see that problem would eventually affect the middle schools and then the high schools by the late 1990s. So, in 1993, it systematically searched for school sites on the northwest side where all this growth was occurring.

By early 1994, choices were narrowed, and in April 1994, the board purchased two sites near each other. At that time, according to Woodard, the pygmy-owl had been identified as a "species of special concern." A report on the owl came out in 1994 with a map showing the areas that experts at that time believed were prime potential habitats for the owl. The two school sites were not identified as being in those areas. Woodard asserted that the board had no way to know the bird would be listed as an endangered species and the school sites would be considered potential owl habitat. The district planned to break ground last October and to have the high school opened by August 1999.

According to Woodard, by spring 1997, all the plans and blueprints were done, and all the permits in hand except one. The site had a significant wash running through it and the Army Corps of Engineers said this constituted modifying a navigable waterway, requiring a 404 permit. Just as the district was about to get the permit, the owl was listed as an endangered species. The U.S. Fish and Wildlife Service told the board that no critical habitat had been defined at that point. The district then learned that in the past couple years, one or possibly two pygmy-owls had been seen north and west of the site, within about a quarter of a mile of the site. Game and Fish had promised the owners of the private land that they would keep that fact a secret, and they kept their promise.

What Amphi has Offered to Do

Woodard said that the board was then informed that if the owls were still nearby, they might be coming on to the site. At the request of the board, Game and Fish did six surveys and did not find the owls on the property or on the adjacent land where they last were sighted in early 1996. The board then began a process with the U.S. Fish and Wildlife Service to try to come up with ways to accommodate and mitigate. He said that the board offered:

- ▶ to buy more land
- ▶ to move the buildings further away from where the owls had been
- ▶ to stay out of the wash
- ▶ to emphasize the owls and other endangered species in the curriculum of the school
- ▶ to put barriers around play fields and parking lots
- ▶ to cut down noise and light
- ▶ to give up a play field and rearrange sport fields
- ▶ to give up a community swimming pool
- ▶ to redirect traffic flow, including foot traffic

Woodard suggested that there were questions as to whether the pygmy-owls would ever be back because at this time, five great horned owls were living on the site.

Even though the U.S. Fish and Wildlife Service agreed that the board had done everything it could do, according to Woodard this apparently was not enough. Fish and Wildlife suggested that the board donate over 200 acres of land or come up with some money so land could be purchased. The board is constitutionally forbidden from doing that. Fish and Wildlife then tried to get the state and local governments to come up with concessions. Amphi has no control over that, and these processes are slow and uncertain.

Woodard concluded that the district needs to build a new high school because of serious overcrowding. The board is investigating redesign of the school with two goals in mind:

- 1) Get out of the washes, preserving them in their native condition so a 404 permit is not needed; and
- 2) Minimize the environmental impact that school will have on any and all species, provide a needed high school, protect the environment, and move on.

SUMMARY OF THE PRESENTATION BY BILL SHAW, PROFESSOR AND CHAIR OF THE UNIVERSITY OF ARIZONA WILDLIFE AND FISHERIES SCIENCE

Shaw presented his perspectives on what we do and do not know, and ways we can take action dictated by common sense. According to Shaw, we do not know how many pygmy-owls remain in Arizona, but we know that the bird is extremely rare in this region. If the total numbers are anywhere near that estimated by experts, the entire population is extremely vulnerable, Shaw warned. The implications for this population are profoundly different if it is part of a larger population centered in northern Mexico than if it is truly a discrete population limited to southern Arizona. Common sense suggests that we continue to invest major efforts in surveying, both in Arizona and northern Mexico.

Preservation of the Population and Habitat Requirements

Shaw admitted that we do not know whether science can lead us to a strategy that will succeed in preserving this population. The owl is located on the edge of its historic distribution, where we would expect some population instability, and is situated in an environment where there have already been massive human-induced changes in the habitats. He suggested that we need better information about life history and distribution of the bird in order to make intelligent choices about what to do.

Shaw stated that we do not know how restrictive the habitat requirements of the pygmy-owl are. Pygmy-owls in general select a denser vegetation associated with riparian or thorn scrub cactus communities. Shaw suggested that common sense would dictate that a conservation plan for this bird in Tucson be built around a strategy for preserving an interconnected system of undisturbed riparian vegetative communities, as well as substantial areas of the ironwood forest in the northwest part of Tucson where the bird is known to exist. This same strategy has been advocated for preserving the unique Sonoran character of this community and for providing habitats for wildlife indigenous to this area.

Impacts of the School Construction/Development in General on the Bird

Shaw said that we do not know that construction of any single development will have a meaningful impact on the survival of a population whose numbers are already so low that its long term viability is questionable. But more than 90 percent of the riparian habitat in Arizona has been lost in the past century, and the ironwood forests found in the northwest portion of Tucson are being fragmented at an accelerating rate. These two vegetative communities are the best and only known habitats for these owls in Tucson.

Repeating his call for common sense, Shaw suggested that we look beyond the pygmy-owl controversy and adopt a comprehensive land use strategy to preserve and interconnect a system of habitats within our urban matrix. This approach not only addresses conservation goals, but also creates a healthier economic environment where developers and landowners have a level playing field and can know what uses are likely to be consistent with the community's vision. This approach would also benefit homeowners by enabling them to select their living environment with some confidence that nearby zoning and land use policies would not be revised at the whim of short-term political expediency.

Is There a Farsighted, Collaborative Solution to the Pygmy-Owl Controversy?

We don't know, according to Shaw. The biological challenges are daunting, the politics are charged, and the debate is clouded by equally impassioned and important issues of population growth and property rights.

But this is not a debate over whether biodiversity is important. Americans and Tucsonans remain committed to the goals of the ESA, Shaw pointed out. A recent national survey showed that over 80% of Americans support the ESA as it is written or support strengthening it. Americans in general, and Tucsonans in particular, are committed to the goals of preserving biodiversity and incorporating wildlife conservation into the planning and design of their communities. At issue is the implementation of this goal in the face of limited knowledge and complex trade-offs.

We *do* know, Shaw emphasized, that the confrontational, litigious, piecemeal approach to land use planning that has characterized this community for so long, is no substitute for comprehensive, long-term land use planning. Good planning will also help maintain the quality of this environment which fuels the economic growth that attracts people and new residents to this community, especially if we adopt a far-sighted, long-range planning strategy to preserve the quality of this environment.

Summary of Question and Answer Period

Questions, answers, and comments voiced at the public forum have been compiled and summarized by topic below. A more complete, question-by-question version of the Q and A period is available at the Udall Center and at Congressman Kolbe's office, on the Worldwide Web pages of both, and in the appendices provided with this digest at the public libraries in Tucson. In the summary below, emphasis has been given to clarification of facts, in keeping with the stated purpose of the forum. The major categories reflect the distribution of questions and concerns raised during the Q and A period.

The Endangerment of the Cactus Ferruginous Pygmy-owl

A number of people questioned or commented on the actual endangerment of the pygmy-owl--the questions and comments below represent a summary of these:

Questions: With every survey, more owls are found. There are between four and five owls in a 20-square-mile area. If this is an average area, and owl habitat is 1.5 million acres, then there must be thousands of owls, and the numbers are increasing, not decreasing. So, why is it seen as threatened? How does knowledge of endangered species develop over time? How many of these owls are found in Mexico and Texas? Isn't the northwest Tucson area on the fringe of the natural habitat anyway?

Answers:

Suckling: The Arizona Game and Fish Department has been surveying all over southern Arizona since 1993, and only a handful of owls have been found. Currently, we only know of 12 owls in Arizona. Of these, nine are in northwest Tucson, and several sightings were around the Amphi school district.

Taubert: Historical literature shows much more mention of the pygmy-owl, indicating much greater numbers of owls 100 years ago. As far as current information is concerned, we don't have enough money to survey 1.5 million acres, and so survey efforts have been concentrated in areas where sightings have occurred. This skews the data, making it look like there should be lots of owls. But these surveyed sites can't be seen as typical or average--they are simply sites where owls have been found. We find more owls because we are looking in known sighting areas. These results cannot be generalized to 1.5 million acres.

Surveying requires money. If the owl is a priority, money is given for surveying and research, and lots of information becomes available. We expect that there will be much more information available in the next two years.

No other federally-listed endangered wildlife species are located in this area.

Kaufman: The population of pygmy-owls in Texas, on last survey, is 500-600 birds. The Mexican population is not definitively known; we are not in charge of surveying there.

Related Comments:

- ▶ *A resident of the 16-square-mile area* felt that the endangerment of the pygmy-owls signals a threat to human health and well-being in the future. He noted that the planet has evolved with a system of checks and balances through its diversity of plant and animal life. If humans continue to upset the balance, the ultimate loser will not be a few owls, but the very survival of mankind. He asserted that even if we survive our constant meddling with nature, it will be a living standard much different from what we presently enjoy.
- ▶ *Another resident of the 16-square-mile area* noted in regard to the fringe nature of the pygmy-owl habitat in this area, that some biologists say fringe members of a species are the most important to protect, more than core members, because that is where adaptation and diversity occurs.

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The Endangered Species Act and its Administration

A number of people commented and asked questions regarding the consequences of the Endangered Species Act legislation, its authoritative basis, and how well it is being administered. The questions and comments have been summarized below:

Question: The Endangered Species Act hasn't been reauthorized since 1994. Why is it still impacting us?

Answer:

Congressman Kolbe: Congress reauthorizes it via appropriation every year, and this is typical for legislation. A similar example is the State Department. It hasn't been "reauthorized" since 1980, but it is funded by Congress every year, and so continues to be in existence.

Question: What about the taking of equity from people who can't defend themselves and can't predict issues arising such as what has occurred with the pygmy-owl. Can't they be compensated?

Answer:

Congressman Kolbe: Some bills have been introduced in Congress that would provide compensation, but compensation plans are complicated and expensive. These proposals have not been very successful.

Question: Why did it take so long and so many lawsuits for the owl to be listed? Couldn't Amphi have avoided its problems if the owl had been listed in a timely fashion?

Answers:

Suckling: Fish and Wildlife is supposed to act on petitions for listing of a species as endangered within two years. We petitioned in 1992, and so we should have had a decision in 1994. It was finally listed in 1997, five years and three lawsuits later. There have been systematic problems with getting listings in a timely fashion from Fish and Wildlife.

Ashe: Fish and Wildlife gets sued by all sides with interests. Some feel we go too far; others, not far enough. The problem is that we are spread very thinly, with just under 8,000 people nationwide to manage 93 million acres of the National Wildlife Refuge system and migratory birds, and to implement the Endangered Species Act. We prioritize, and people sometimes think our priorities should be different.

Question: Will there be a Recovery Plan for the owl?

Answer:

Kaufman: Yes. I will select a recovery team to write a recovery plan. The selection process has begun; money will be allocated for carrying out the Recovery Plan once the team has let me know what will be required to recover the owl. We are proceeding with this process as quickly as possible.

Related Comments:

- ▶ *A resident of Oro Valley* thought that we should be more realistic--there is no definite habitat established for the owl, and the figure of 1.5 million acres of what could be the habitat leads to a no-win policy.
- ▶ *An environmental scientist* thought that the Fish and Wildlife Service is being very political by being too vague and not giving straight answers, instead of taking the decisive actions it is required to take by the Endangered Species Act.

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Amphitheater School District's Plans for a New High School

There were a number of questions and comments about the school board's plans and decisions, whether the building of the school at the selected site would endanger the owl, and how the need for additional classroom space would be met given the controversy. These are compiled and summarized below.

Question: Would the building of the high school on the current site significantly harm the owl? Are there other sites on which the high school could be built that would be less impacting?

Answers:

Shaw: No single development project of this scale, alone, would be the last straw that causes the loss of the owl. It is the collective development decisions that result in the loss of a species.

Miller: It is not just the development of the high school itself, it is the cumulative impacts it would bring, including the building and widening of roads, increased transportation in the area, and so on. This area represents one of the best examples of desert scrub with excellent mature ironwood species. Why locate the high school this far west, when the needs are greater for a location in the north and farther east?

Suckling: Our certified pygmy-owl biologist found 14 sites for sale within Amphi District which have no, or minimal, owl habitat.

Question: Why did the Amphi School board break off the 404 permit application process? Does this mean that it will just go ahead and build? *[Editor's note: the 404 process is a component of the Clean Water Act governing dredge and fill activities in waterways and wetlands. It applied to the initial building plans for the new high school, which incorporated a wash into the building site].*

Answer:

Woodard: We broke it off one month ago, when we changed our plans for siting the school on the property we have. We plan to purchase additional acres so that the school can be sited differently, not affecting the wash and, thus, not involving the Army Corps of Engineers. In fact, current plans go beyond what had been contemplated for protecting the owl. Breaking off the 404 permit application process does not mean that we have avoided considering potential impacts to owl habitat. We still have permits to secure, and we are still subject to a lawsuit if we take an owl, which we do not intend to do. We won't build if it means taking an owl. But no owl has been seen there in two years.

Question: What scientific advice is the Amphi School Board getting?

Answer:

Woodard: The district has hired Mary Darling, a biologist certified by the federal government to study the pygmy-owl. She is one of only a few people in the country certified to study pygmy-owls. We are also talking with Arizona Game and Fish.

Related Comments:

- ▶ *Some parents in the district* expressed concern that their children are bearing the brunt of the controversy, and overcrowding is seriously impacting kids.

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Economics/Development Impacts

There was one question and a number of comments about how the owl's endangerment affects homeowners, builders and developers, and other more general economic impacts.

Question: What constitutes an acceptable survey for a property owner to perform in order to be permitted to use the land they own?

Answer:

Taubert: The current survey standards include an on-site inspection, calling with an audiotape and hopefully getting a response. Currently, only certified pygmy-owl surveyors are allowed to call for these owls for project clearance purposes. These surveys are done at certain times of the year, and for a one year period. If, in that time, no owls are found on the property, the property may be cleared. Survey Protocols may be obtained from the U.S. Fish and Wildlife Service or Arizona Game and Fish Department.

Related Comments:

- ▶ *A developer* voiced support for the Endangered Species Act (ESA), noting that it was passed 32 years ago by an overwhelming majority of both parties and signed into law by President Nixon. He noted that although there are horror stories with any regulation or law because nothing is perfect, the ESA is not that hard to work with. He asserted that we need to cooperate to preserve the natural beauty that people want in Arizona, even if it costs a few more dollars.
- ▶ *A resident of the 16-square-mile area* said that development has not been handled responsibly--the valley is disappearing to developments placing between five and seven houses per acre, and it's ugly.
- ▶ *An audience member* reported that he had not seen a real estate sign on the property of the elderly couple cited by Lurie to illustrate the problems for homeowners in dealing with the pygmy-owl issue, and that this couple had actually gotten permission from Fish and Wildlife to remove hundreds of trees worth thousands of dollars on their property. Lurie responded that he had only passed along what the woman had told him.
- ▶ *A researcher at The University of Arizona* contradicted claims by Ashe that protection of endangered species and economic growth are not incompatible. Citing his own doctoral dissertation research, the researcher noted that virtually all 1100 endangered species are threatened by human economic activity, and it is a function of both population size and per capita consumption. There is a definite conflict between species conservation and economic growth because growth is based on consumption of natural capital--forests, water, fossil fuels, etc. He felt that the only hope is to move towards a steady state economy, not an economy based on growth. And such a change would require strong and daring political leadership.

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Conflict and Cooperation

There were a number of comments and questions that addressed the conflicts between interests and how the issue might proceed toward some resolution. Comments and questions are summarized below.

Question: [directed to Suckling] Are you willing to help to reorganize, look at plans, and find a way to compromise and build the school on this site, rather than all this fear-of-development rhetoric we've been hearing tonight?

Answer:

Suckling Yes. We're willing to work with the school district and anybody who can help us find a solution to this problem that will work. We took the step of hiring a pygmy-owl biologist--someone certified to go out and survey for the species--to identify a number of other potential sites for sale within the school district, to see if other sites are better for the pygmy-owl. The biologist found 14 sites for sale that are better for the pygmy-owl--where

there's no or minimal habitat. So, if we look more and do research, there are solutions out there for this. [*Editor's note: a copy of the report is available at the Southwest Center for Biological Diversity*].

Question: [directed to Kaufman] Are you willing to make a decision that will fulfill your legal obligation to enforce the Endangered Species Act with respect to the owl?

Answer:

Kaufman: There is not one decision, but a host of decisions to be made with respect to the pygmy-owl, requiring input from a host of persons. There is an intelligent way to approach development, and we're willing to work with everyone to allow development and protect the owl.

Question: There have been powerful arguments made here tonight for a collaborative, region-wide comprehensive planning process. What could Fish and Wildlife officials do to help us put this together?

Answer:

Ashe: We can help take the next step by convening a workshop, maybe with the help of the Udall Center, to take the next step in the discussion. Almost every speaker has talked about a regional approach to planning and development; there's a consensus emerging. We've had some successes with regional approaches through habitat conservation plans. We'd be willing to come to Tucson to bring our expertise from around the country.

Comments:

- ▶ *A resident of Oro Valley* suggested that the idea that "we need a plan we can all agree on" is impossible. There will never be 100% agreement on anything.

Concluding Remarks

Congressman Kolbe invited panelists to respond to the following questions and/or give other final remarks to the forum.

1. What have you heard tonight that represented a new insight for you or that was a new fact of which you had not previously been aware?
2. Can you suggest some specific recommendation(s) for how to proceed with a process that will lead to satisfactory resolution of the issues raised tonight?

Shaw:

It is gratifying to see so much interest in the proceedings tonight. It's been a healthy dialogue if it only succeeds in moving the process to development of a recovery program that will lead to getting the pygmy-owl off the endangered species list, and in getting a new look at and new energy for comprehensive regional planning.

Woodard:

My interest is narrower than others. As a member of the Amphi School Board, I have to provide more classrooms. We have severe overcrowding now, and it is worsening. The issue will be settled eventually, but children will be damaged in the meantime. In study after study, large, overcrowded high schools have been shown to have negative impacts on high school students. We desperately need leadership here. Representative Kolbe can call meetings and provide a forum, but he's not part of the administration and can't do what Fish and Wildlife is supposed to do. Our biggest frustration has been to figure out what Fish and Wildlife is telling us. The offices in D.C., Albuquerque, and Phoenix say different things. You can even talk to different people in the same office and you don't hear the same thing. We need to get the responsibilities of Fish and Wildlife, Arizona Game and Fish, and the county clear. Who does what? A lot of perceived conflict at the table is really from frustration over not knowing what the rules are and where we're going, and why we can't get moving now.

Miller:

I'm a father and the husband of a teacher in the Amphi district, and it's in my best interest to solve the problem of overcrowded schools, because I have to deal with the frustration every night. I believe we can solve this constructively, but the high school should not be developed at this location. I've offered the resources of Defenders of Wildlife--with its over 300,000 members--to help resolve the issue, whether that be in creating an alternative site. It's been declined repeatedly. Others have made similar offers at public forums, and they have been declined as well. It's despicable that Amphi tries to use the owl to cover for a long series of bad decisions. Pursuit of this site is unacceptable.

Lurie:

I thought this was an information dissemination meeting. It was a great idea, because there is still a lot of misunderstanding in the community. This was a nice start. But, a lot of people don't understand the important elements of this. I don't think that the bird should have been listed. I have a question for Fish and Wildlife, which I don't expect them to answer now. It goes to the difference between a habitat conservation plan (HCP) and a species recovery plan, which is more severe and more expensive than an HCP. If I can't get the bird off the endangered species list, is a Recovery Plan the intent? Or, a series of HCPs?

Suckling:

The difference between a Recovery Plan and an HCP is significant, and an important question. However, Fish and Wildlife will do a Recovery Plan; they *have to* do a Recovery Plan. The question is, how specific will it be? Will it be vague, or specific enough to give some real guidance?

A caution about HCPs: 16 conservation organizations in Tucson sent a letter to Fish and Wildlife asking them not to do habitat conservation plans, because HCPs are not designed to recover a species. HCPs were an amendment to the endangered species act to allow development and to minimize damage. Instead, we need to recover the pygmy-owl. The Recovery Plan should be a vehicle for a land-management plan. We suggest that the county, the cities, and towns all be involved in the Recovery Plan, so it's not just the federal government imposing something on us from outside. Instead, being part of the process, local governments can feel ownership of the plan.

Mazzocco:

County government will:

1. Continue to give information to the public about where the habitat is. We cannot enforce this, but we can let people know and people can see if they have any responsibility regarding the endangered species.
2. Continue to cooperate with federal and state governments to create habitat preservation opportunities, in use of bond money for our open space acquisition in the Tortolita area to maximize habitat protection.
3. Continue to review our regulations.

I'm sure the symbolism has struck a lot of people. We have the owl, which is one of our ancient symbols of wisdom; we have the words "endangered species"; and our land consumption policies--all juxtaposed together. We need to balance our community, economic, and environmental interests. How will we educate our children, be responsible stewards of the environment, and have sane development for a population growth that is coming, whether you want it to or not. The question I leave us all with here is this: Are we up to the challenge?

Taubert:

We can't solve the problem without more biological information. We need surveys and life history information. Arizona Game and Fish can assist with this issue. Call us if you think you have an owl. We'll get someone out there to survey. If there is one on your property, we can help you get through the system, and we can make life easier. Habitat conservation programs are very important to get parties together and can help us come to consensus. Ramsey Canyon leopard frog plan is working nicely. We are planning for the jaguar and a multi-species conservation plan along the lower Colorado River. This is the future. We need to be pro-active. There is a bill now in Congress called "Teaming With Wildlife," and it would bring us \$8 million to work on non-listed species. Please look at this bill as a source of money for future work.

Ashe:

Time and again, we find implementation of the Endangered Species Act coming up against core American values. It is not inconsistent with those values, but it comes up against them--a school, a highway, a timber harvest, dredging, public recreation at beaches...

We need to step back, cooperate, gather information on species, and look at the picture with a wider-angle lens. We can usually find solutions that work for the community and for the species. It is not easy and it doesn't happen overnight. And we have to manage in the meantime, because life goes on. We can achieve a wider view with tools like HCPs. If we don't take action, our flexibility narrows over time. Landowners, communities, school districts at the end of the line, get the hardest deal because there's little flexibility when dealing with small numbers of the species, and very fragmented habitat.

We need to look at the issue through a wider angle lens. We need better information. Arizona Game and Fish has the best historical information; we need better surveys. We need to get better information to landowners and be able to give advice to people. What does/does not constitute take? We're trying to tell them.

I heard a lot of consensus about the need for a regional approach. There is a difference between a Recovery Plan and an HCP. The Recovery Plan is a broad-based guidance document, not a regulation tool. It tells us the steps to reverse a process of endangerment over the long term. It's a long-term proposal that goes back through the listing factors that told us to list the species as endangered in the first place and how to reverse those processes so that they no longer exist and the species can be removed from the list. Hopefully, this will happen for the grizzly in Yellowstone.

A habitat conservation plan is different. The community needs to decide if it's the right tool. I heard frustration that we need more from Fish and Wildlife. The HCP process begins with a proposal from developers, residents, or other locals. We don't propose them. However, we'll help. We'll come to Tucson if local people want to develop one. We've done this 200 times last year.

Like Bill Shaw, we don't know if there are far sighted solutions for the pygmy-owl, but we can and should try. Our record shows that if we work together, we can get there from here.

APPENDICES

For Further Information

Submitted Comments

Map of Likely Pygmy-Owl Habitat in Eastern Pima County

A Compilation of Questions, Comments, and Answers

For Further Information

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Submitted Comments

The following people submitted the attached comments to Congressman Kolbe's office after the forum.

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Steve M. Dolan
Patty Estes
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