

Critical Habitat Designation for the Preble's Meadow Jumping Mouse

FACTS ABOUT CRITICAL HABITAT

The following are frequently asked questions concerning critical habitat designations:

WHY IS CRITICAL HABITAT BEING DESIGNATED?

As the result of a lawsuit filed by several private conservation groups and individuals, which included Biodiversity Legal Foundation, Biodiversity Associates, Center for Biological Diversity, South Dakota Resources Coalition, David C. Jones, and Dennis Williams, a court-mediated settlement was reached. As a result, the U. S. Fish and Wildlife Service will complete designation of critical habitat for the Preble's meadow jumping mouse and the Topeka shiner. A final designation of critical habitat for the Preble's meadow jumping mouse is required by June 4, 2003.

WHAT IS CRITICAL HABITAT?

Critical habitat is a term used in the Endangered Species Act. It refers to specific geographic areas that are essential for the conservation of a threatened or endangered species and which may require special management considerations. These areas do not necessarily have to be occupied by the species at the time of designation.

DO LISTED SPECIES IN CRITICAL HABITAT AREAS RECEIVE MORE PROTECTION?

Added protection is minimal. An area designated as critical habitat is not a refuge or special conservation area, and it only affects activities with federal involvement. Listed species and their habitat are protected by the Endangered Species Act whether or not they are in an area designated as critical habitat. The Act requires federal agencies to consult with the Service on actions they carry out, fund, or authorize that may adversely affect that critical habitat.

However, even when there is no critical habitat designation, federal agencies must consult with the Service whenever they carry out, fund, or authorize any activity that may affect a listed species.

WHAT DOES A CRITICAL HABITAT DESIGNATION MEAN TO A PRIVATE LANDOWNER?

A critical habitat designation does not affect situations where a federal agency is not involved -- for example, a landowner undertaking a project on private land that involves no federal funding or permit would not be affected. The fact that this land had been designated as critical habitat for the mouse would have no effect on the landowner. As a listed species, the Preble's meadow jumping mouse is already protected under the ESA wherever it occurs.

HOW WILL THIS CRITICAL HABITAT DESIGNATION AFFECT LOCAL ECONOMIC DEVELOPMENT?

The vast majority of all projects that require a consultation with the U.S. Fish and Wildlife

Service proceed with little or no modification. In most cases, resolutions are identified that will avoid harm to the species and habitat, and the projects are allowed to proceed forward.

Because many federal actions already take into account species' habitat needs, there should be little effect beyond that which is already being considered.

DOES THE ACT REQUIRE AN ECONOMIC ANALYSIS AS PART OF DESIGNATING CRITICAL HABITAT?

Yes. The Service must take into account the economic impact of specifying any particular area as critical habitat. The Service may exclude any area from designation if it determines that the benefits of such exclusion outweigh the benefits of designation, unless it determines that failure to designate the area as critical habitat will result in the extinction of the species.

WHY IS THE SERVICE DESIGNATING CRITICAL HABITAT FOR THE PREBLE'S MEADOW JUMPING MOUSE?

Section 4(a)(3) of the Endangered Species Act states that when the Service adds a species to the endangered species list, it must designate critical habitat "to the maximum extent prudent." This section makes it clear that Congress expected the Service to routinely designate critical habitat. History shows that judicial decisions have been based on a strict interpretation of this section of the Act resulting in a requirement that the Service complete critical habitat designations.

WHY WASN'T CRITICAL HABITAT DESIGNATED WHEN THE PREBLE'S MEADOW JUMPING MOUSE WAS LISTED?

The Service has given designation of critical habitat the lowest priority in the listing process because it is expensive, time-consuming, and usually offers relatively little conservation benefit. Because of limited financial and staffing resources, the Service has given higher priority to more effective approaches to species recovery.

HOW WILL THE SERVICE IDENTIFY CRITICAL HABITAT?

Specific geographic areas in Colorado and Wyoming that are essential for the conservation of the Preble's meadow jumping mouse will be evaluated to determine if they are suitable for designation as critical habitat.

FOR HOW MANY SPECIES HAS THE SERVICE DESIGNATED CRITICAL HABITAT?

As of May 2003, the Service had designated critical habitat for 306 of the 1,211 species listed as threatened or endangered.

WHY HASN'T THE SERVICE DESIGNATED CRITICAL HABITAT FOR MORE SPECIES?

After a Congressional moratorium on listing new species ended in 1996, the Service faced a

huge backlog of species needing to be proposed for listing as threatened or endangered. For this reason, we have assigned a relatively low priority to designating critical habitat because we believe that a more effective use of our limited staff and funding has been to place imperiled species on the List of Endangered and Threatened Species.

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