

Frequently Asked Questions about Marbled Murrelet Critical Habitat

What action is the Fish and Wildlife Service taking?

The Service is revising the 1996 critical habitat designation for the marbled murrelet, a threatened species protected under the Federal Endangered Species Act. The Service is also finalizing a taxonomic revision of the scientific name of the marbled murrelet from *Brachyramphus marmoratus marmoratus* to *Brachyramphus marmoratus*.

Why is the Service revising its earlier critical habitat designation for this species?

We originally designated critical habitat for the marbled murrelet in Washington, Oregon, and California on May 24, 1996 (61 FR 26256). This revision removes approximately 189,671 acres in northern California and southern Oregon from the 1996 designation. Surveys indicate that marbled murrelets are unlikely to use these areas. Intensive surveys conducted since 1997 have given provided a more comprehensive understanding of the species biological needs and the specific areas that are essential for the recovery of the species. Accordingly, we have determined that the areas being removed are not essential to the conservation of the species and do not meet the definition of critical habitat. The habitat in these areas does not contain elements of the physical or biological features in an appropriate quantity and spatial arrangement that are essential for the conservation of the species.

What is critical habitat?

Critical habitat designates areas that contain habitat essential for the conservation of a threatened or endangered species and which may require special management considerations. Designation as critical habitat does not set up a preserve or refuge, and has no specific regulatory impact on landowner actions on private land that do not involve Federal agency funds, authorization, or permits. However, landowners must consult with the Service before taking actions on their property that could harm or kill protected species or destroy their habitat regardless of whether critical habitat has been designated.

Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

What is being removed from critical habitat for the marbled murrelet?

The Service is removing critical habitat status from approximately eight units totaling 189,671 acres in northern California and southern Oregon that were designated as critical habitat on May 24, 1996. Approximately 3,698,100 acres of the 3,887,800 acres of the critical habitat designated in 1996 (95 percent) will remain. Because the July 31, 2008, proposed rule (73 FR 44678) solicited comments on the removal (rather than specification) of critical habitat, an economic analysis was not required.

For more information on the areas removed from critical habitat, see the final rule at <http://www.fws.gov/wafwo/>

How did the Service determine what should be removed and which should be retained as critical habitat for marbled murrelets?

The Service used information available during the prior designation of critical habitat as well as information gathered since that time in the areas of California and Oregon where critical habitat for the marbled murrelet has been designated. The areas removed from critical habitat are no longer considered essential to the conservation of the species.

All the areas retained as critical habitat for marbled murrelets are within the historic geographic range of the species and contain enough of those physical or biological features essential to the conservation of the species for the species to be able to carry out normal biological functions.

How is this marbled murrelet critical habitat designation different from the earlier designation?

We removed areas in Southern Oregon and Northern California determined, after additional study, to be no longer essential to the conservation of marbled murrelets.

How do marbled murrelets benefit from critical habitat?

Critical habitat receives protection under Section 7 of the Endangered Species Act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency or occurring on Federal land. In cases where marbled murrelets occur, much of this protection is already occurring as a result of the species being listed as a threatened species. Consultation under Section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus such as funding or permits.

How long does a critical habitat designation remain in effect?

A critical habitat designation remains in effect until the species is de-listed or it is replaced by a revised designation.

Why is the species name being changed?

Two sub-species of marbled murrelet were previously recognized by the taxonomic community: the North American murrelet (*Brachyramphus marmoratus marmoratus*) and the Asiatic murrelet (*B. marmoratus perdix*). The American Ornithologists' Union now recognizes these as distinct species (*B. perdix* and *B. marmoratus*). The scientific name change reflects the currently accepted taxonomy for the marbled murrelet.