

## **Questions and Answers**

### **U.S. Fish and Wildlife Service Final Rule to List the Queen Charlotte Goshawk as Threatened in British Columbia under the Endangered Species Act**

#### **Where do Queen Charlotte goshawks live?**

The Queen Charlotte goshawk's range includes the mainland and islands of Southeast Alaska south of the international border between Mount Fairweather and Mount Foster, south through the coastal mainland of British Columbia west of the Coast Range (including the Coastal Douglas-fir biogeographic zone and wet Coastal Western Hemlock subzones and variants), the Queen Charlotte Islands, Vancouver Island, and the smaller islands around it.

#### **What kind of habitat does the Queen Charlotte goshawk need?**

Goshawks typically nest and forage in old-growth forest, but use mature second-growth (previously harvested stands that are approximately 50 to 100 years old) for either purpose where old-growth forest is limited. Non-forested land, recently clear-cut areas, and young second-growth stands are avoided.

#### **How many Queen Charlotte goshawks are there?**

Biologists estimate that there are about 360 breeding pairs in British Columbia and 300 pairs in Southeast Alaska, plus an unknown number of non-breeding birds.

#### **What was the process for adding the Queen Charlotte goshawk to the list of threatened and endangered species under the Endangered Species Act?**

The Endangered Species Act requires that the Fish and Wildlife Service (Service) make a decision on whether a species should be listed under the ESA based on the best available scientific and commercial information. Following publication of the proposed rule, a public comment period allowed interested people to submit information on the status of the Queen Charlotte goshawk, and the threats it faces. We also solicited peer review on the proposed rule. After considering and addressing the comments received, the Service made its final decision that the British Columbia distinct population segment should be listed as threatened.

#### **What is the Fish and Wildlife Service determining in this rule?**

We are listing the British Columbia distinct population segment (DPS) of the Queen Charlotte goshawk as threatened under the ESA. This final rule extends the Act's protection to this subspecies in British Columbia, Canada, on Vancouver Island and the surrounding smaller islands, the Queen Charlotte Islands, and the coastal mainland west of the Coast Mountains. Because the British Columbia DPS is entirely outside the United States we are not designating critical habitat.

#### **What are the criteria for listing a species as threatened or endangered under the ESA?**

The ESA requires that a species be listed if one or more of the following five criteria place the species at risk of extinction now or in the foreseeable future:

- Present or threatened destruction, modification or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific or educational purposes;
- Disease or predation;
- Inadequacy of existing regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.

**Which of these ESA criteria is judged to be most important to the future status of Queen Charlotte goshawk?**

Threats facing the Queen Charlotte goshawk are primarily related to the loss of nesting and foraging habitat and declines in prey populations due to timber harvest. Other factors may add to the pressure upon populations already stressed by habitat loss and prey shortages.

**Is hunting or collection of Queen Charlotte goshawks legal today?**

Queen Charlotte goshawks are not a legally hunted species in either the United States or Canada, although occasional illegal shootings might occur. Take of these birds for falconry is extremely limited, with one known instance in Alaska since 1990. In British Columbia, the species has been protected from any harvest, including collection for falconry purposes, since 1994.

**Are Queen Charlotte goshawks currently recognized as being an at-risk species by any nations or organizations?**

In Canada, the Committee on the Status of Endangered Wildlife determined, in 1995, that the Queen Charlotte goshawk was "Vulnerable." In 2000, this status was upgraded to "Threatened" and in 2002 the bird was officially listed as "Threatened" under the Canadian Species at Risk Act.

Following assessment by the provincial Conservation Data Centre, the Province of British Columbia added the subspecies to its "Red List" in 1998, and in 2004 the Province included the subspecies in the category of "Species at Risk" under the Forest and Range Practices Act (i.e., those species at risk that may be affected by forest management and require protection in addition to that provided by other mechanisms).

**What are the benefits of listing a species in another country?**

Under section 9 of the Act, it is unlawful for any person subject to the jurisdiction of the United States to import a listed species into the United States, or to sell or offer for sale any such species in interstate or foreign commerce. In addition, the Service cooperates with other countries in the conservation of foreign listed species. In this case, this proposed listing is consistent with the "threatened" status of the Queen Charlotte goshawk under Canada's Species at Risk Act.

**How will listing the Queen Charlotte goshawk in British Columbia affect import, export, and international trade in the subspecies?**

Although Endangered Species Act regulations prohibit import, export, transportation, sale, and trade of listed species, we do not expect our listing to have any significant effect on trade, beyond reinforcement of bans already in place. Possession of, and trade in, the Queen Charlotte goshawk is already forbidden throughout Canada, because it is listed as a threatened species under the Species at Risk Act. The Province of British Columbia has also banned possession of the bird, under its Wildlife Act. Our listing would support these prohibitions, potentially facilitating prosecution of violators subject to United States jurisdiction.

**I own a goshawk. Will I still be able to carry or ship it into or out of the U.S.?**

Yes, provided that you are in possession of the proper documentation. Since the goshawk is listed under The Convention on International Trade in Endangered Species (CITES) and the Wild Bird Conservation Act (WBCA), you must obtain an import or export permit to bring your bird into the United States or take it out. When you apply for the required permit, the Service will request documentation from you on the subspecies of goshawk you possess. We will then include that information on the face of the permit. You will also need to identify the subspecies on the Wildlife Declaration form (3-177) at the time of entry or exit.

**When Queen Charlotte goshawks are listed as threatened in British Columbia, will capture or possession of goshawks for falconry outside British Columbia be forbidden, under “similarity of species” authorities?**

Section 4(e) of the Endangered Species Act authorizes the Fish and Wildlife Service to designate non-listed species that closely resemble listed species as Threatened or Endangered for purposes of take, possession, transport, trade, export or import. In determining whether a species should be designated under this similarity of appearance authority, we must consider (1) the degree of difficulty enforcement personnel would have in distinguishing the species from a listed species, (2) the additional threat posed to the listed species by the loss of control occasioned because of the similarity of appearance, and (3) the probability that so designated a similar species will substantially facilitate enforcement and further the purposes and policy of the Act (17 FR 17.50).

Although Queen Charlotte goshawks in British Columbia are essentially indistinguishable from those in Southeast Alaska, and difficult to tell from goshawks outside the range of Queen Charlotte goshawks, we do not believe that goshawks outside coastal British Columbia need to be designated under 4(e) as threatened or endangered because we do not consider direct take for falconry or any other purpose to be a significant threat.

**What is currently being done to protect Queen Charlotte goshawks in Alaska?**

In response to concerns over sensitivity of the bird to timber harvest, the Alaska Region of the U. S. Forest Service designated the Queen Charlotte goshawk a sensitive species in 1994. The Alaska Department of Fish and Game designated the bird a "species of special concern" because of threats to its nesting and

foraging habitat. Queen Charlotte goshawks are also protected from harvest under the Migratory Bird Treaty Act.

**Why are you proposing to list the Queen Charlotte goshawk in Canada, but not Alaska?**

Habitat loss due to logging has been more extensive in coastal British Columbia than in Southeast Alaska. In Southeast Alaska, approximately 13 percent of productive forest has been harvested to date, with another 15 percent expected to be harvested over the next 50 to 100 years. In British Columbia, approximately 35 percent of forest has been harvested, with another 24 percent expected to be harvested over the next 50 years.

Most (55 percent) of the productive forest in Southeast Alaska is protected in reserves, compared to 13 percent in British Columbia. An additional 17 percent of the productive forest is likely to remain unlogged outside protected reserves in Alaska, compared to 29 percent in British Columbia, because it is on inoperable terrain, or protected from harvest to reduce impacts to other resources, such as water quality and fish habitat.