

Frequently Asked Questions

U.S. Fish and Wildlife Service Response to Court Ordered Remand on the Petition to List the Queen Charlotte Goshawk as Threatened or Endangered under the Endangered Species Act

Where do Queen Charlotte goshawks live?

The Queen Charlotte goshawk's range runs from the mainland and islands of Southeast Alaska south of the international border between Mount Fairweather and Mount Foster, and Vancouver Island and the Queen Charlotte Islands in British Columbia, but not the British Columbia mainland.

What is the current status of United States and Canada Queen Charlotte goshawk populations?

Goshawk populations are difficult to census. Instead, the number of potential nesting territories (habitat capability) has been estimated by extrapolating observed nest area spacing or seasonal use area sizes across available habitat. There are an estimated 100 breeding pairs of Queen Charlotte goshawks on Vancouver Island, 8 to 15 pairs on the Queen Charlotte Islands, and 300 to 400 pairs in Southeast Alaska. Range-wide, there are probably about 500 pairs, plus an unknown number of non-breeding birds.

What is the process for addressing a petition to add a species 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 finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. This finding is based on information contained in the petition, supporting information submitted with the petition, and information otherwise available to the FWS at the time of the finding. To the maximum extent practicable, the Service makes this finding within 90-days of the receipt of the petition and publishes this 90-day finding promptly in the *Federal Register*. If the Service finds that substantial information is presented, it commences a review of the status of the species which is to be completed, if feasible, within 12 months of receipt of the petition. In the 12-month finding, one of three determinations can be made: (1) the petitioned action is not warranted; (2) the petitioned action is warranted, but precluded by other pending listing actions; or (3) the petitioned action is warranted, and the species is proposed for listing.

What is the Fish and Wildlife Service's response to the court-ordered remand on the petition to list the Queen Charlotte goshawks as an endangered or threatened species under the Endangered Species Act?

After a thorough review of the best scientific and commercial data available, the Service found that Vancouver Island is a significant portion of the Queen Charlotte goshawk's range. The agency also concluded that the subspecies' ranges in British Columbia and Alaska each constitute distinct population segments (DPSs). Based on differences in forest management, with substantially greater existing and anticipated habitat loss in British Columbia than in Alaska, the Service found that listing the subspecies as threatened throughout the British Columbia DPS is warranted. It also found that

currently available information does not support listing the subspecies as threatened or endangered for the Alaska DPS. Should current conservation measures in place in the goshawk's Alaska range be weakened, the risk to this distinct population segment would have to be re-evaluated.

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

The ESA requires that a species be listed if it is imperiled by one or more of the following five criteria:

- 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.

Thus identification of any one of these factors as a threat to a species can require the listing of the species under the ESA.

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 other factors such as habitat loss and prey shortages.

The ESA uses the term: “foreseeable future”; what is this?

The ESA does not define “foreseeable future.” In other ESA listings, it has often been interpreted to be a function of generations of the species in question and/or habitat regeneration cycles. In this finding, the Service relied upon estimates of land available for, and protected from, timber harvest. On average, it is estimated that the period of maximum habitat impact for the species will be five decades. Thus in this finding the “foreseeable future” refers to the next 50 years.

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 federal *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 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.

How do projections concerning available goshawk habitat differ between Alaska and Canada

Habitat conversion 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, 45 percent of forest has been harvested, with another 14 percent expected to be harvested over the next 50 years.

Habitat is more secure in Alaska than in BC, although the U.S. Forest Service is currently considering amendments to the Tongass National Forests management plan (covering about 80 percent of the subspecies' range in Alaska) that could reduce protection there. Most (55 percent) of the productive forest in Southeast Alaska is protected in reserves, compared to 9 percent in British Columbia.

Why would the U.S. Fish and Wildlife Service list a species as threatened or endangered in Canada, where it has no regulatory jurisdiction?

The Endangered Species Act requires the Service to list species as endangered if they are in danger of extinction, and as threatened if they are likely to become endangered in the foreseeable future, regardless of which country the species lives in. The Act specifically directs the Service to consider species that have been identified by any foreign nation as at risk of extinction, and to take into consideration any efforts made by a foreign nation to protect species being considered for listing. There are currently about 570 species listed under the Endangered Species Act in foreign countries, compared to about 1,350 species listed in the United States.

How can a listing under the U.S. Endangered Species Act help foreign-listed species?

Except by permit for specific purposes consistent with the Act, the Endangered Species Act prohibits importation of listed species into and exportation out of the U.S., and it forbids anyone subject to U.S. jurisdiction from transporting, receiving, delivering, carrying, shipping, or selling listed species in interstate or foreign commerce. The Act also encourages cooperation with foreign governments in conserving listed species, authorizing financial and technical assistance for conservation, research and law enforcement operations. The Act also encourages *international* conservation of foreign-listed endangered species through its enhancement permits provision.

When the Queen Charlotte goshawk is listed, will the U.S. impose habitat protection or other restrictions in Canada?

No. Certain provisions of the Endangered Species Act do not apply to foreign-listed species. The U.S. Fish and Wildlife Service does not review foreign actions to ensure that they do not jeopardize continued existence of endangered and threatened species, as is done with federal agencies in the U.S. The Service also designates critical habitat within the U.S., which federal agencies may not destroy or adversely modify. No critical habitat is designated in foreign countries. The Act's prohibitions on take of listed species apply only to people subject to U.S. jurisdiction, and only within the U.S. and its territorial waters, and on the high seas. Similar protections against take, possession, and trade of Queen Charlotte goshawks are already in place under Canadian federal and British Columbia provincial law.