

News Release

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January 30, 2007 |

FISH AND WILDLIFE SERVICE PUBLISHES FINAL CRITICAL HABITAT RULE FOR THE ALABAMA BEACH MOUSE

The U.S. Fish and Wildlife Service today published a final rule to re-designate approximately 1,211 acres of critical habitat for the Alabama beach mouse, a federally endangered species. The rule revises the original critical habitat designation made when the species was added to the federal list of threatened and endangered species.

Areas designated as critical habitat in today's revision include portions of the Fort Morgan State Historic Site and adjacent lands; lands along the right-of-way for Fort Morgan Parkway (State Highway 180); lands south of the Alabama Department of Environmental Management's (ADEM's) Coastal Construction Control Line (CCCL); high elevation habitat in the Gulf Highlands area (also known as the multi-family area); and portions of Gulf State Park.

The revised critical habitat includes much of the original designation, along with higher elevation scrub habitat the Service considers important for the mouse during and after hurricane events. The Service has excluded the Perdue Unit of the Bon Secour National Wildlife Refuge because of an existing comprehensive conservation plan. It also excluded 51 areas covered by incidental take permits under the Endangered Species Act (ESA), including the Beach Club West/Gulf Highlands condominium projects, because of existing conservation plans.

A complete description of the final rule revising critical habitat for the Alabama beach mouse has been published in the *Federal Register* today. Copies of the rule and maps are available on the Service Internet site at: <http://www.fws.gov/daphne>, or by contacting Rob Tawes, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, AL 36526; phone: 251-441-5830.

The Service published a proposed rule to revise critical habitat for public comment in February 2006. Comments were received during two public comment periods, as well as during a public hearing. Service biologists carefully reviewed each of the comments received before preparing the final rule.

Critical habitat is a term in the ESA. It identifies geographic areas that contain features essential to the conservation of a threatened or endangered species and may require special management considerations or protection. A critical habitat designation does not set up a preserve or refuge and

only applies to federal land or situations where federal funding or a federal permit is involved. It does not allow government or public access to private lands. Federal agencies that undertake, fund, or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat.

As a listed species under the ESA, the Alabama beach mouse is already protected wherever it occurs, and federal agencies are required to consult on any action taken that might affect the species. The designation of critical habitat will help the species by ensuring that federal agencies and the public are aware of the mouse's habitat needs and that proper consultation is conducted by federal agencies when required by law.

As part of designating critical habitat, the Service has also taken into account the economic impact, as well as any other relevant issues when considering any particular area for critical habitat designation. No areas were excluded based on an economic impact.

The rule was prepared pursuant to a declaration to the U.S. District Court for the Southern District of Alabama made by the Service as the result of a lawsuit filed against us by the Sierra Club and the Center for Biological Diversity. In the December 2004 declaration, the Service stated it would submit a proposed rule revising ABM critical habitat to the *Federal Register* by January 18, 2006, and a final rule by January 15, 2007.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements, and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and Partners for Fish and Wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges, managed by the U.S. Fish and Wildlife Service and state wildlife management areas.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 97-million-acre National Wildlife Refuge System, which encompasses 546 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.