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# News Release



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## **Public Comments Sought on Proposal to Revise Critical Habitat for Marbled Murrelet**

*Public comments accepted until March 13*

The U.S. Fish and Wildlife Service announced today it is reopening the comment period on its July 2008 proposal to revise the critical habitat designation for the marbled murrelet, a threatened species protected under the federal Endangered Species Act.

Comments will be accepted for 30 days until March 13. The reopened comment period will provide all interested parties with an additional opportunity to submit written comments on the proposed rule. Comments previously submitted for the proposed revised critical habitat designation need not be resubmitted; they have already been incorporated into the public record and will be fully considered in any final decisions.

The marbled murrelet (*Brachyramphus marmoratus marmoratus*) is a small seabird that spends most of its time in the marine environment and nests in forests along the Pacific Coast.

The proposed critical habitat revision would remove approximately 254,070 acres of forest land in northern California and Oregon from the 1996 critical habitat designation of 3,887,800 acres. The revised designation, if finalized, would total 3,633,800 acres.

The Service is proposing to remove the critical habitat designation from two areas that do not meet the definition of critical habitat for the species and are not considered essential for the marbled murrelet's conservation. In one area, encompassing about 191,370 acres in northern California and southern Oregon, extensive surveys have indicated that marbled murrelets are very unlikely to be using the area. Another area proposed for removal, approximately 62,700 acres in Lane and Douglas counties in Oregon, is farther than 35 miles from the Pacific Ocean. Removing these areas would better conform with the 1997 marbled murrelet recovery plan by limiting critical habitat to the areas where the majority of known occupied murrelet sites are found. No changes are proposed for the marbled murrelet critical habitat designation in the state of Washington.

Critical habitat identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management or protection. The designation of critical habitat under the Endangered Species Act does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government or public access to private lands. A critical habitat designation does not affect private lands unless federal funds, permits or activities are involved. Federal

agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure that such actions do not adversely modify or destroy critical habitat.

The proposed rule, maps and descriptions of the areas proposed for critical habitat can be found at [www.fws.gov/pacific/ecoservices/mamupch.html](http://www.fws.gov/pacific/ecoservices/mamupch.html)

Specifically, the Service is requesting comments on:

- (1) The reasons why we should or should not revise currently designated critical habitat for the marbled murrelet by removing 254,070 ac from the 1996 designation, based on new information that is the best available information indicating that these areas do not meet the definition of critical habitat;
- (2) Specific information on the amount and distribution of marbled murrelet habitat;
- (3) Any foreseeable economic, national security or other potential impacts resulting from the proposed critical habitat revision, and in particular, any impacts on small entities;
- (4) Our proposal to revise 50 CFR 17.11 to adopt the taxonomic clarification for the marbled murrelet to reflect the change from *Brachyramphus marmoratus marmoratus* to *Brachyramphus marmoratus*; and
- (5) Whether we could improve or modify our approach to revising critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Comments on the critical habitat proposal will be accepted until March 13. You may submit comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS-R1-ES-2008-0079; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. The announcement reopening the public comment period was published in today's *Federal Register*.

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit [www.fws.gov](http://www.fws.gov).

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