

Background and Q&As
Final Rule-- Critical Habitat
For the Western Snowy Plover
September 20, 2005

For descriptions of the proposed critical habitat units, and a link to the Federal Register, visit the Web at <http://www.fws.gov/pacific/sacramento/>

The western snowy plover is a small shorebird that weighs up to 2 ounces and is between 6 and 6½ inches long. It has a pale gray-brown back, white chest, and black legs and bill. Its average life span is about 3 years.

The Pacific coast population of western snowy plovers consists of those birds that nest on the mainland coast, peninsulas, offshore islands, bays, estuaries, or rivers of the Pacific coast from southern Washington to southern Baja California, Mexico. They are distinct from western snowy plovers that breed inland.

It is estimated that about 2,600 snowy plovers breed along the Pacific coast from early March to late September. They make their nests on sand spits, dune-backed beaches, beaches at creek and river mouths, and salt pans at lagoons and estuaries. Plover chicks leave the nest within hours after hatching to search for food, but are not able to fly for about a month.

Today, only 28 major nesting areas remain. Nesting habitat has been lost to development and the size of the snowy plover population also has declined due to human activity on beaches, such as walking, jogging, walking pets, operating off-road vehicles, and horseback riding during the plover breeding season. Such activities can inadvertently cause destruction of eggs and chicks. Encroachment of exotic European beach grass into nesting areas and predation are other primary factors in the decline of the plover.

Q. What is critical habitat?

A. Critical habitat is a term in the Endangered Species Act (ESA). It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. Critical habitat designation does not impose restrictions on 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 such actions do not adversely modify or destroy designated critical habitat.

Q. Did the Service commission an economic analysis as part of designating critical habitat?

A. Yes, the Service must take into account the economic impact of specifying any particular area as critical habitat. The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of critical habitat unless it determines, based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will result in the extinction of the species.

Q. How can I get a copy of the draft economic analysis?

A. The analysis can be viewed or downloaded from the Sacramento Fish and Wildlife Office's Web site at <http://www.fws.gov/pacific/sacramento/>

Q. Is the Service considering removing the Pacific Coast population of the western snowy plover from the list of threatened species?

A. The Service is conducting a review of the status of this species.

In August 2002, the Service received a petition to delist the Pacific Coast population of the western snowy plover from the Surf Ocean Beach Commission of Lompoc, California. The City of Morro Bay submitted substantially the same petition dated May 30, 2003. The petitions contend that the Pacific Coast population of the western snowy plover does not qualify either as a distinct population segment under the ESA or as a threatened species. The petitioners' primary support for their position is an unpublished 2001 master's thesis in which the researcher failed to find significant genetic differentiation between Pacific Coast plovers and plovers that breed in inland areas.

On March 22, 2004, the Service published a notice that the petition presented substantial information to indicate that delisting may be warranted (69 FR 13326). Service biologists are currently conducting both a 12-month and 5-year status review of the population under sections 4(b)(3)(B) and 4(c)(2) of the ESA. That review, which could recommend delisting or retaining the species' current status, is expected to be completed within a few months.

Q. How will the designation of critical habitat affect non-Federal landowners?

A. The designation of critical habitat on non-Federal lands does not mean the government wants to acquire or control the land. Critical habitat has no regulatory impact on private landowners taking actions on their land, unless they are doing something that involves Federal funding or permits. Critical habitat does not require landowners to carry out any special management actions or restrict the use of their land.

The ESA does, however, prohibit any individual from engaging in unauthorized activities that will harm listed wildlife. That prohibition is in effect for any listed species, with or without regards to designated critical habitat. This includes protection for the Federally threatened western snowy plover.

If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with the Service to determine how the action may affect a listed species or its habitat.

Q. Do Federal agencies have to consult with the Service outside critical habitat areas?

A. Yes. Even when there is no critical habitat designation, Federal agencies must consult with the Service to ensure any action they carry out, fund, or authorize is not likely to jeopardize the continued existence of a listed species.

Q. What impact will critical habitat designation have on beach use?

A. Outside of the National Wildlife Refuges, the Service leaves beach management to other agencies that have direct responsibility for those areas, such as the California Department of

Parks and Recreation. With or without critical habitat, however, the Service has consulted for several years with other Federal, state and local agencies on measures to protect this threatened species. Those measures vary from beach to beach and are subject to ongoing review by managers and biologists to ensure that they meet the conservation needs of the species while being the least intrusive as possible for recreation and other uses.

Q. What rationale was used for the exclusion of certain areas but not others, concluding that there were very small economic impacts in some areas, notably the Oregon beaches, but very high in some of Southern California?

A. Certain areas of critical habitat were differently excluded based on economic information from a draft economic analysis prepared by Industrial Economics Inc. on behalf of the Service. That analysis revealed that greater economic impacts existed in differing regions, including in Southern California, and so designation changes were made.

If you have any more questions, please call or write to:

Arcata Fish and Wildlife Office
U.S. Fish and Wildlife Service
1655 Heindon Road
Arcata, California 95521
707-822-7201