

Southwestern Willow Flycatcher Critical Habitat Proposal Public Scoping Report

Background Information

The National Environmental Policy Act (NEPA) process is being conducted in conjunction with; a proposed rule to designate critical habitat for the southwestern willow flycatcher under section 4 of the Endangered Species Act (ESA) of 1973; and an analysis of the economic impacts of critical habitat designation.

To satisfy the requirements of NEPA for public involvement, the objectives of this scoping report are to clarify tentative issues, determine the appropriate scope of environmental analysis and gather new input on alternative development from public comments received in response to the January, 21, 2004 Notice of Intent outlining Fish and Wildlife Service's plan to prepare an environmental assessment for the proposed designation of critical habitat for the southwestern Willow Flycatcher.

By developing a critical habitat proposal, the Service intends to protect vital flycatcher breeding habitat from federal activities. Information, individuals, and groups identified in the scoping process will be essential in drafting the environmental assessment and economic analysis required for developing and evaluating a critical habitat proposal and considering where the "costs" of designation might outweigh the "benefits" – an evaluation required under the ESA in shaping critical habitat.

This document contains a summary of the comments received at the time the report was prepared. All comments were given equal consideration, regardless of method of transmittal.

Description of Scoping Meetings

Eight public meetings were held (Table 1) by the USFWS to allow interested persons an opportunity to comment about the Southwestern Willow Flycatcher Critical Habitat Proposal. At each meeting a series of 9 displays explained the NEPA process, the Endangered Species Act (ESA), and project specific information. In addition, attendees were provided a complete information packet, which included a reiteration of the material shown on display boards, a copy of the federal register announcement and Notice of Intent, species and riparian habitat fact sheets, southwestern willow flycatcher critical habitat proposal Q&A's, and a comment form.

Table 1 Information on Public Scoping Meetings

MEETING	LOCATION	TIME & DATE
1	Phoenix, Arizona Fraternal Order of Police Lodge No. 2	Monday, January 26, 2004 6:30-8:30 p.m.
2	Silver City, New Mexico Flame Convention Center	Tuesday, January 27, 2004 6:30-8:30 p.m.
3	Albuquerque, New Mexico Indian Pueblo Cultural Center	Wednesday, January 28, 2004 6:30-8:30 p.m.
4	Alamosa, Colorado Alamosa Family Recreation Center	Thursday, January 29, 2004 6:30-8:30 p.m.
5	Las Vegas, Nevada BLM building	Monday, February 2, 2004 6:30-8:30 p.m.
6	Lake Isabella, California Lake Isabella Senior Center	Tuesday, February 3, 2004 6:30-8:30 p.m.
7	Corona/City of Chino, California El Prado Golf Course	Wednesday, February 4, 2004 6:30-8:30 p.m.
8	Escondido, California Escondido Center for the Arts	Thursday, February 5, 2004 6:30-8:30 p.m.

Advertising of Public Meetings

Pursuant to NEPA requirements, each meeting was advertised at least two weeks prior to its scheduled date, in a variety of formats (Figure 1 / Table 2). In each format, the ads explained the purpose of the public meetings, gave the schedule for the public comment (scoping) period, and provided several methods of obtaining additional information. All ads were identical in content. In addition, FWS staff contacted or visited key community leaders, congressional and state assemblymen, natural resource professionals, industries and utility providers prior to meetings to inform and invite attendance.

Figure 1 Legal Notice

U.S. Fish and Wildlife Service is seeking public participation in identifying issues and determining the appropriate scope of environmental analysis, including alternatives, in the anticipated designation of critical habitat for the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) (flycatcher) (a neotropical, migratory bird). A Federal Register notification of our intent to prepare an environmental assessment (under the National Environmental Policy Act) and opening a 45-day comment period will be published soon.

Developing a critical habitat proposal (under the Endangered Species Act) will assist in efforts to protect vital flycatcher breeding habitat from Federal activities. The 1997 flycatcher critical habitat designation (62 FR 39129) was set aside by a Court ruling and the Service is now under a Court order to redesignate critical habitat.

Flycatchers breed and rear chicks along streams, rivers, wetlands and reservoirs in California, Arizona, New Mexico, Nevada, Utah, Colorado and historically in Texas.

We will hold eight public scoping meetings/workshops in Arizona, New Mexico, Colorado, Nevada and California. Meetings run from 6:30-8:30 p.m. at the following locations:

Jan 26, Phoenix, AZ
Fraternal Order of Police
Lodge No. 2
12851 N. 19th Ave
Phoenix, AZ 85029-
2654

Jan. 29, Alamosa, CO
Alamosa Family
Recreation Center
2222 Old Sanford Road
Alamosa, CO 81101

Feb. 4, Corona/City of
Chino, CA
El Prado Golf Course
6555 Pine Avenue
Chino, CA 91710

Jan 27, Silver City, NM
Flame Convention Center
2800 Pinos Altos Road
(West of 32nd St & Hwy
180)
Silver City, NM 88061

Feb. 2, Las Vegas, NV
BLM building
4701 N. Torrey Pines
Drive
Las Vegas, NV 89130

Feb. 5, Escondido, CA
Escondido Center for the
Arts
340 N. Escondido Blvd.
Escondido, CA 92025

Jan. 28, Albuquerque,
NM
Indian Pueblo Cultural
Center
2401 12th Street NW
Albuquerque, NM 87104

Feb.3, Lake Isabella, CA
Lake Isabella Senior
Center
Veteran's Facility, Room
1
6405 Lake Isabella Blvd.
Lake Isabella, CA 93240

The 1997 flycatcher critical habitat designation, the recovery plan, all eight scoping meeting locations and related documents are available at <http://arizonaes.fws.gov/southwes.htm> or by calling (602) 242-0210.

Send comments to Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Rd., Ste 103, Phoenix, AZ 85021, email: WIFLcomments@fws.gov or fax: 602-242-2513.

Table 2 List of Legal Advertisement Placements

Arizona Republic	Las Vegas Review Journal
Silver City Daily Press	Kern Valley Sun
Santa Fe New Mexican	The Bakersfield Californian
Albuquerque Publishing (Albuquerque Journal)	Riverside Press-Enterprise
Valley Courier (Alamosa, CO)	San Bernardino Sun
Grand Junction Sentinel	San Diego Union Tribune
The Spectrum (St. George, UT)	

News releases were distributed widely to all daily newspapers and most weeklies in southern and central California, southern Utah, Nevada and Colorado, all of New Mexico and Arizona and west Texas. A news release was also posted to the Arizona Ecological Services Internet.

Figure 2 News Release (page 1 of 2)

U.S. Fish and Wildlife Service




News Release

Arizona Ecological Services Field Office
 2321 W. Royal Palm Road, Suite 108
 Phoenix, Arizona 85021
 602-242-0210
 602-242-2513 (Fax)

Arizona Ecological Services Field Office <http://arizonacs.fws.gov>

For Release: January 12, 2004
 Contacts: Jeff Humphrey 602-242-0210 ext 222
 Elizabeth Slown and Victoria Fox 505-248-6911

FISH AND WILDLIFE SERVICE SEEKS EARLY INPUT ON SOUTHWESTERN WILLOW FLYCATCHER CRITICAL HABITAT PROPOSAL

U.S. Fish and Wildlife Service is seeking public participation in identifying issues and determining the appropriate scope of environmental analysis, including alternatives, in the anticipated designation of critical habitat for the endangered southwestern willow flycatcher (a neotropical, migratory bird). By developing a critical habitat proposal, the Service intends to protect vital flycatcher breeding habitat from federal activities. Staff will be visiting eight communities in the seven-state U.S. range of the flycatcher to gather information and identify sources of other information that can contribute to its eventual critical habitat proposal – a process called scoping.

The 5 ¾-inch flycatcher breeds and rears its chicks in late spring and through the summer in dense riparian vegetation along streams, rivers, wetlands and reservoirs in the arid Southwest (California, Arizona, New Mexico, Nevada, Utah, Colorado and historically in Texas). The flycatcher migrates to Mexico, Central, and possibly northern South America for the non-breeding season.

The flycatcher was added to the endangered species list in 1995 as its populations declined due to habitat loss resulting from river and water management; agriculture, residential and urban development; recreation; and livestock and wild ungulate overgrazing in breeding habitat; and the threat of the expanded range of the cowbird which parasitizes songbird nests. Designating critical habitat for the species will provide a second level of protection under the Endangered Species Act. Designation of critical habitat will not stop development or establish a nature preserve – rather, it serves to alert agencies to federal activities that might adversely affect designated habitat and identifies ways to minimize those effects.

A total of 599 river miles of flycatcher critical habitat were designated in New Mexico, Arizona and California 1997. In 2001, the 10th circuit court of appeals set aside designated critical habitat in those states under the circuit's jurisdiction (New Mexico). The Service set aside critical habitat designated for the species in all three states until a reassessment of the economic effects of designation could be completed. The court recently assigned a schedule whereby the Service is to complete its draft analysis and propose critical habitat by September 2004 and arrive at a final critical habitat determination by September 2005.

A two-year recovery planning effort for the flycatcher that drew upon the participation of industry, tribal, development, water district and livestock representatives, lead by a team of agency and academic biologists was completed last year with the adoption of a final recovery plan. "The broad and intensive participation of parties in the Southwest in the flycatcher recovery planning gives us a great advantage in both determining what habitat is essential to flycatcher survival and identifying industries, local economies and communities that may be effected by a critical habitat designation," said Dale Hall, Service Southwest Regional Director. "In the coming weeks, we're hoping those involved in recovery planning and all effected groups will help us

Figure 2 News Release (page 2 of 2)

identify areas that truly require habitat protection and the biological, economic and on-the-ground effects of providing such protection.”

Information, individuals and groups identified in the scoping process will be essential in drafting the environmental assessment and economic analysis required for developing and evaluating a critical habitat proposal and considering where the “costs” of designation might outweigh the “benefits” – an evaluation required under the Act in shaping critical habitat.

Scoping meetings will be conducted from 6:30-8:30 p.m. at the following locations and dates. The first half-hour will allow participants to receive conservation and critical habitat process and flycatcher information. Information will then be discussed in a workshop format.*

Jan 26, Phoenix, AZ
Fraternal Order of Police Lodge No. 2
12851 N. 19th Ave
Phoenix, AZ 85029-2654

Jan. 29, Alamosa, CO
Alamosa Family Recreation Center
2222 Old Sandoz Road
Alamosa, CO 81101

Feb. 4, Corona/City of Chino, CA
El Rancho Golf Course
6555 Pine Avenue
Chino, CA 91710

Jan 27, Silver City, NM
Flame Convention Center
2300 Bluesville Road (West of 32nd St.)
Hwy 180
Silver City, NM 88061

Feb. 2, Las Vegas, NV
BLM building
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Feb. 5, Escondido, CA
Escondido Center for the Arts
340 N. Escondido Blvd.
Escondido, CA 92025

Jan. 28, Albuquerque, NM
Indian Pueblo Cultural Center
2401 12th Street NW
Albuquerque, NM 87104

Feb 3, Lake Isabella, CA
Lake Isabella Senior Center
Veterans Facility, Room 1
6405 Lake Isabella Blvd.
Lake Isabella, CA 93240

All comments, including those derived from the meetings, are to be mailed, faxed or e-mailed to the Service by March 8, 2004. Send to Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Rd., Ste 103, Phoenix, AZ 85021, or email to WIFLcomments@fws.gov or fax to 602-242-2513.

Documents relevant to flycatcher critical habitat and recovery planning are available at <http://arizonaes.fws.gov> or by contacting the address above.

Once critical habitat has been proposed (September 2004), the Service will again seek public comment and formal public hearings to review the proposal and supporting economic and National Environmental Policy Act evaluations.

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 95-million-acre National Wildlife Refuge System which encompasses 542 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource 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 governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

<http://arizonaes.fws.gov>

*Individuals with access and special needs who wish to attend the scoping meetings are encouraged to contact Jeff Humphrey (602-242-0210 x222) prior to Jan. 22, 2004.

NOTE TO EDITORS: Photographs of the southwestern willow flycatcher and relevant documents are available at http://arizonaes.fws.gov/image_library.htm and <http://arizonaes.fws.gov/southwes.htm>

Opportunities for Public Comment

Members of the public were afforded several methods for providing comments:

- At the scoping meetings, next to each of the nine display boards was a table with large index cards on which attendees could write comments specific to the information in that display.
- During facilitated breakout sessions, verbal comments were recorded on a flip chart.
- All packets contained a self-mailing 8 1/2x11 comment form that could be filled out and returned to the Project Office
- Emails could be sent to a dedicated web address: WIFLcomments@fws.gov
- Comments and letters could be mailed to: US Fish & Wildlife Service, Field Supervisor, Arizona Ecological Services Field Office, 2321 W. Royal Palm Rd., Ste 103, Phoenix, AZ 85021
- Comments and letters could be faxed to: 602-242-2513

Introduction to Scoping Content Analysis

Document Organization

The following document consists of a description of the content analysis process followed by a summary of the comments in a tabular format. Appendix A consists of comment origination contact information. Appendix B consists of contact information for those who attended the public scoping meetings. Appendix C consists of copies of each letter received during the scoping process.

Content Analysis Process

Each comment letter received (either verbal or written) has been sorted and organized with a letter type, number, and region. (See tables 3 and 4) The letter number is identified as the letters are received. Starting with number 001. For example if the first comment letter addressed were received from a community member in New Mexico, the code would be I-001 R2. The "I" indicating that the letter was from an individual, 001 indicating it was the first "I" letter to be addressed, and R2 indicating that it was received from New Mexico.

Likewise the first comment letter received from a government agency in Utah would be G-001 R7. The G indicating that the letter was from a government agency, the 001 indicating that it was the first "G" letter to be addressed, and R7 indicating that it was from Utah. This system provides ease in referencing and cross checking.

Table 3 Comment Region

Region	Region Code
Arizona	R1
New Mexico	R2
Colorado	R3
Nevada	R4
California (Lake Isabella)	R5
California	R6
Utah	R7
Other	R8

Table 4 Comment Type

Type	Type Code
Public Scoping Meeting	M
Individual Submittal	I
Government Agency	G
Non-Governmental Organization (special interest)	O
Business	B
Tribe	T

A list of those who have sent in written comments has also been recorded and classified using the same coding system as listed above (see Table 5). The contact information for verbal comments received from public meetings will not be recorded in this manner but by comment origin only. However a list of those who attended the meetings is given in Appendix B.

Table 5 Comment Origination Contact Information

Type Code & Number	Region Code	Name	Organization / Business	Address	Comments

After the comments were sorted and organized with a Letter Code, each comment was then reviewed and categorized by issue classes such as such as Wildlife, Grazing or Recreation. Comments were assigned a Comment Code corresponding to their respective issue class (See Table 6). This form of analysis allows for cross-reference and comparison purposes, and helps the Fish and Wildlife Service identify potential areas of concern. To avoid repeated comments and assist in cross-referencing and comparison, comments of similar content (sub issues) were only recorded once. However, different types of comments within an issue are also noted. For example, if a comment relates to water, it will be indicated by a "W." If it is a water comment about delivery, it is indicated by W1. If it is a water comment regarding irrigation, it is indicated "W2" and so on. Frequency of comment was also recorded and noted in the analysis.

Table 6 Issue Identification

Code	Resource Issue
AG	Agriculture (Grazing, Farmlands, Ranching)
W	Water
CH	Critical Habitat General
E	Economic
HS	Health & Safety
S	Social
R	Recreation
LX	Lateral Extent
LO	Location
SR	Stream Reach
RV	Riparian Vegetation
IS	Invasive Species
WL	Wildlife & Fisheries
PR	Process

The issues identified in this content analysis have also been classified according to their disposition. Within this analysis, comments could fall into one of 5 identified categories (Table 6). Comments that are to be considered in the analysis as Purpose & Need, Alternative Development, Impact Analysis, or Process will be coded accordingly. Comments that are beyond the scope of the project will also be noted.

Table 7 Comment Disposition

Code	Identification
PN	Purpose & Need
ALT	Alternative Development
IA	Impact Analysis
PRO	Process
OOS	Out of Scope

For organization and cross referencing purposes, comments, their issue class, type, frequency and disposition are in tabular format (Table 8).

Table 8 Content Analysis

Issue Class #	Comment Type & Origination Code(s)	Frequency	Comment Disposition