



News Release

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Of Engineers**
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STUDY CONFIRMS PYGMY OWL UNAFFECTED BY CORPS PERMITTING PROCESS

Los Angeles, Calif., (June 17, 2002) --- An environmental assessment has concluded that the U. S. Army Corps of Engineers' use of its simplified process for granting permits for activities which impact wetlands in Arizona does not adversely affect the endangered Cactus Ferruginous Pygmy Owl. Environmental consultants SWCA Inc. conducted the assessment and reported its findings to the Corps. The assessment is the basis for a Finding of No Significant Impact signed by the Corps' Los Angeles District Engineer, Col. Richard Thompson.

The environmental assessment evaluated the potential direct, indirect, and cumulative impacts of the Corps' Nationwide program on pygmy owl habitat. Corps permits generally directly impact only small areas of dry washes in Arizona. If the impacts extend into the adjacent uplands (indirect and cumulative impacts), the Corps must determine if there may also be an effect on the pygmy owl in those areas. The study determined that there are many factors outside of the control of the Corps that allow upland habitat to be impacted without the need for permits. These factors, including grazing pressures, unregulated "wildcat" development, and legal clearing of private land, all contribute to the cumulative loss of habitat for the pygmy owl. The study revealed that the Corps of Engineers' permitted activities comprised less than 1% of the authorized activities which may affect the pygmy owl habitat and that the Corps' procedures provided appropriate safeguards to the species.

The simplified process, known as the Nationwide Permit (NWP) program, provides a streamlined method for the review of proposed actions in wetlands that have minimal impact on the environment. Nationwide permits allow small projects to be authorized if they meet stringent national and regional conditions, are minimal in size and result in minimal impact on the environment. The Corps' Los Angeles District, which is responsible for regulating activities in the wetlands throughout Arizona, has one of the most extensive sets of regional conditions for the nationwide permit program of any Corps district in the country.

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The Corps conducted the assessment in response to the 1999 Arizona District Court case, *Defenders of Wildlife, et al. v. Ballard*. The ruling in that case found that the Corps had failed to fully consider the impacts of three categories of projects authorized under the NWP program. The environmental assessment released today went beyond the requirements of the 1999 ruling and reviewed the effects of the entire Nationwide Permit program on the Pygmy Owl and its former or future habitat in Arizona. The completion of the study underscores the Corps' commitment to sound environmental analysis and stewardship, as required under the National Environmental Policy Act. The Corps is now proceeding with a Programmatic Formal Consultation with the U.S. Fish and Wildlife Service to ensure full compliance with Section 7 of the Endangered Species Act.

The Corps Regulatory Branch is responsible for protecting our nation's waters, including most streams, washes and wetlands. The Nationwide Permit program, managed locally in Phoenix and Tucson by Corps biologists and environmental specialists, authorizes certain work in these waters under specific national and regional conditions. As a result of the findings in the environmental assessment, the Corps may issue Nationwide Permits in counties where the Pygmy Owl or its former or future designated critical habitat is located. Before issuing a permit in areas occupied or potentially occupied by the Pygmy Owl or any other endangered species, the Corps first consults with the U.S. Fish and Wildlife Service to determine if the project may affect that species. Such consultations, required by the Endangered Species Act, have become routine in recent years throughout the Los Angeles District because of the large number of endangered species. These consultations ensure that the continued existence of these species will not be jeopardized and that any adverse effects that might occur are minimized and compensated.

For additional information, please contact the Los Angeles District, U.S. Army Corps of Engineers, Public Affairs Office at 213-452-3921.

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