

Why Is the Review Being Conducted for the Owl and Murrelet at This Time?

Conducting a 5-year review for these two species at this time was agreed to in connection with proposed settlement of two lawsuits, *Western Council of Industrial Workers v. Secretary of the Interior*, Civil No. 02-6100-AA (D. Or.) and *American Forest Resource Council v. Secretary of the Interior*, Civil No. 02-6087-AA (D. Or.). These settlement agreements are currently pending consideration by the District Court in Oregon. The 5-year review will consider each species' population status, and the threats to each species. The review will consider information that has become available since the original listing determination, such as: population and

demographic trend data; studies of dispersal and habitat use; genetics and species competition investigations; surveys of habitat amount, quality, and distribution; adequacy of existing regulatory mechanisms; and management and conservation planning information. The 5-year review will assess: (a) Whether new information suggests that the species' population is increasing, declining, or stable; (b) whether existing threats are increasing, the same, reduced, or eliminated; (c) if there are any new threats; and (d) if new information or analysis calls into question any of the conclusions in the original listing determination as to the species' status. The review will also apply this new information to

consideration of the appropriate application of the Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722) to the listed entity, if applicable.

How Are the Marbled Murrelet and the Northern Spotted Owl Currently Listed?

The List is found in 50 CFR 17.11 (wildlife) and 17.12 (plants). However, amendments to the List through final rules are published in the **Federal Register**. The List is also available on our Internet site at <http://endangered.fws.gov/wildlife.html#Species>. In Table 1 below, we provide a summary of the listing information for the marbled murrelet and the northern spotted owl.

TABLE 1.—SUMMARY OF THE LISTING INFORMATION FOR THE MARBLED MURRELET AND THE NORTHERN SPOTTED OWL

Common name	Scientific name	Status	Where listed	Final listing rule
Murrelet, marbled	<i>Brachyramphus marmoratus marmoratus</i> .	Threatened	U.S.A. (CA, OR, WA)	57 FR 45328 (01-Oct-92).
Owl, northern spotted	<i>Strix occidentalis caurina</i> ..	Threatened	All populations throughout range.	55 FR 26114 (26-Jun-90).

Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Distinct Population Segment* is defined in our February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). For a population to be listed under the Act as a distinct vertebrate population segment, three elements are considered: (1) The discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (*i.e.*, is the population segment endangered or threatened?). Distinct population segments of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the list. Any distinct population segment of a vertebrate taxon that was listed prior to the implementation of this policy will be reevaluated on a case-by-case basis as recommendations are made to change the listing status for that distinct population segment. The appropriate

application of the policy will also be considered in the 5-year reviews of the status of listed species required by section 4(c)(2) of the Act.

C. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

D. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How Do We Determine Whether a Species Is Endangered or Threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence. In summary, our determination required under section 4(b)(1) of the Act shall be made on the basis of the best scientific and commercial data available.

What Could Happen As a Result of This Review?

If we find that there is new information concerning the marbled

murrelet or northern spotted owl indicating a change in classification is warranted, we may propose new rules that could do one of the following: (a) Reclassify the species from threatened to endangered; or (b) remove the species from the List.

Any Distinct Population Segment (DPS) of a vertebrate taxon that was listed prior to implementation of the DPS policy will be reevaluated on a case-by-case basis as recommendations are made to change the listing status for that distinct population segment. The appropriate application of the DPS policy will also be considered in the 5-year reviews of the status of listed species required by section 4(c)(2) of the Act.

What Will Happen if No New Information Is Submitted for the Species Under Review?

No changes will be made to the classification of the marbled murrelet or northern spotted owl as a result of this review unless we find that there is new information indicating that such action is warranted. However, we are not limited to reviewing listed species only during a 5-year review. We may review a species at any time, and may initiate reclassification or delisting whenever the best available scientific and commercial information indicates that such action is warranted.