



Shaping the future for birds

Spotted Owl/Marbled Murrelet Conservation Update

The Northwest Forest Plan is a significant environmental achievement of the Clinton administration that should be built upon and extended by the Obama administration. We believe this would be the best policy from a forest and wildlife management perspective. It is also the only mechanism available to provide legal certainty and ensure that an adequate regulatory mechanism remains in place to conserve and recover wide-ranging threatened species in the region.

The upcoming Critical Habitat designation for the Northern Spotted Owl offers the administration an important opportunity to affirm its support for the Northwest Forest Plan and develop policies to improve upon it that will benefit the owl as well as the millions of Americans that rely on clean drinking water provided by the regions forests.

We are concerned about recent management proposals that are inconsistent with the Northwest Forest Plan. For example, the Wenatchee forest plan revision proposes to eliminate the system of late-successional reserves created to conserve the owl. There is also concern about the lack of scientific evidence that thinning is beneficial to the Northern Spotted Owl population and the absence of plans to carry out meaningful research on this question.

Northwest Forests Remain at Risk

During the Bush administration repeated attempts were made to reduce or eliminate protections of the Northwest Forest Plan including agency proposals to eliminate survey and manage and the aquatic conservation strategy. The Northern Spotted Owl critical habitat designation and owl recovery proposal offered by the Bush administration were heavily criticized as scientifically flawed and motivated by a desire to boost logging. A later investigation by the Department of Interior's Inspector General confirmed that political interference had prevented U.S. Fish and Wildlife Service from preparing a scientifically sound recovery plan. This contributed to the recovery plan being remanded and the critical habitat designation being thrown out.

In addition, the BLM recently promoted the Western Oregon Plan Revisions (WOPR), a scientifically flawed plan that would have increased logging of federal mature and old-growth forests managed by BLM in Oregon by 400%. Independent scientific reviews, including those by EPA and NMFS, found the plan would likely cause significant harm to the forests, water quality, and threatened species. The BLM's own science assessment team review of the draft plan found numerous deficiencies.

WOPR planned for the elimination of 680 known nesting sites of the threatened Northern Spotted Owl and another 600 known nesting sites of the Marbled Murrelet, a threatened sea bird that also depends on old-growth forests. The BLM's flawed WOPR analysis concluded that owl and murrelet populations

would not be harmed by increased logging, but BLM refused to consult with FWS on its plan. We greatly appreciate that the administration has abandoned the WOPR, but remain concerned that none of the BLM staffers responsible for WOPR were ever reprimanded, and that the agency continues to promote inappropriate logging projects.

More recently, the U.S.D.A. Forest Service released a final forest planning rule that while commendable for its treatments of watershed conservation and use of science, would actually weaken wildlife protection on a 193 million acres of public lands unless modified.

Critical Habitat Designation for Northern Spotted Owl

The U.S. Fish and Wildlife Service will soon unveil a draft Critical Habitat designation for the threatened Northern Spotted Owl by the end February. The final Spotted Owl Recovery Plan indicates that additional habitat should be set aside for the owl and a greater conservation contribution is needed from state and private lands. FWS has since publicly stated in response to erroneous press reports to the contrary, that we can expect both additional acres of habitat and private lands to be designated. However, FWS staff has also indicated that a portion of the area designated Critical Habitat will allow for generous amounts of logging in owl habitat. There remains concern over portions of the final owl recovery plan that we do not believe are based on the best available science and do not take an adequately precautionary approach to managing owl habitat.

Forest Management Plan Revisions

The proposed Wenatchee forest plan revision is not consistent with the final owl recovery plan or with the Northwest Forest Plan because it proposes to eliminate the system of late-successional reserves created for owl conservation. Advocates have been advocating our concerns with the administration, USDA and the Forest Service and at a recent meeting Forest Service wildlife staff that the agency is trying to meet our concerns while also providing more management flexibility for the agency to do thinning.

This plan revision will set an important precedent likely to be followed by the other National Forests on the drier eastside of the Cascade Mountains. It would be prudent to wait for the designation of Critical Habitat for the Northern Spotted Owl before any forest plans in the region are amended.

Thinning Research

The land management agencies currently lack any research showing that thinning benefits owl populations and several studies show that owls will avoid heavily thinned areas for up to 30 years, and another found that thinning nearly eliminates the owl's prey base for up to twelve years. Research on impacts of thinning on owls is urgently needed and we are encouraging a conservative approach to logging owl habitat until this research is done. A critical problem with the agency's hope for the best approach is that the owl's population is too low to allow for continued sacrifices until they someday possibly rebound.

FWS Oversight

One aftereffect of the last administration's policies is that the land management agencies and private landowners continue to be granted excessive discretion to log in owl habitat by the FWS. During this period, FWS was subjected to intense political interference, particularly with the development of the Spotted Owl Recovery Plan and the BLM's Western Oregon Plan Revision (WOPR). And despite improvements in the new recovery plan and the abandonment of the WOPR, there remains bureaucratic inertia towards greater discretion for logging in owl habitat, even when science is lacking to support the projects. From their actions or inactions, and conversations with the FWS Oregon director Paul Hansen, I can surmise that the agency remains under pressure not to take actions that would reduce current logging levels.

One area of particular concern has been timber sales in owl habitat in California. During the last administration, a FWS program to review California timber sale plans was discontinued. As a result, these sales, that formerly were often modified to mitigate the most likely harm to owl or owl habitat, are now proceeding unchanged. I was informed of this change in FWS oversight by the staff of EPIC several years ago and have asked FWS to renew this program in several meetings with ESA program director Gary Frazer and staffer Rick Sayers.

State and Private Landowners

The final owl recovery plan indicates that an additional contribution is needed from state and private landowners for the owl to recover. While many major landowners have HCPs that affect owl management on their lands, several major companies, Sierra Pacific and Weyerhaeuser do not have HCPs for all of their managed forest lands.

The State of Oregon is generally uncooperative in regard to owl and murrelet conservation and is currently undertaking a large increase in logging of state lands in owl habitat. FWS staff is hopeful that the upcoming Critical Habitat designation and resulting negotiations with state wildlife and resource management staff may improve the current situation which has been described as a hostile relationship. A lawsuit was filed last week by Center for Biological Diversity, Audubon Society of Portland, and Cascadia Wildlands to protect Marbled Murrelet habitat on Oregon state lands.

Barred Owl Experimental Removal

FWS is also calling for the experimental removal of Barred Owls to determine if reduced competition will benefit the Spotted Owl. The Barred Owl, a species originally limited to eastern North America, is now invading western forests and out-competing Spotted Owls for suitable habitat. Results of the Barred Owl experiment will be available in 3-5 years. At that time, the agency can then determine what long-term management of Barred Owl populations would be appropriate. If the Fish and Wildlife Service to propose a very carefully thought out experiment to see if removing hundreds of Barred Owls will benefit Spotted Owls we are likely to support this initiative.

County Payments Legislation

Oregon Representatives Greg Walden, Peter DeFazio, and Kurt Schrader are developing legislation that would turn over up to a million acres of federal forests in Oregon to a private trust for intensive logging in order to generate revenues for county governments. Logging would be the primary purpose for these lands to the detriment of threatened species such as the Spotted Owl and Marbled Murrelet. The trust in charge would have a fairly strict mandate to generate revenues similar to many state trusts providing education funds.

The management would be conducted under the rules of the Oregon State Practices Act so there are some requirements they would have to follow. ESA would still apply, but not Sec. 7, as these would be considered private lands subject to Sec. 10, not federal lands requiring FWS consultation on potentially harmful projects. NEPA would also not apply so the public would no longer have an opportunity to participate in the management of these lands.

The proposal would have the effect of undoing the Northwest Forest Plan which is predicated on the idea that some of the lands that would be given to the trust are supposed to be habitat for owls and murrelets. This is a very controversial proposal, strongly opposed by the conservation community.