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Bush administration wants to cut protected habitat for spotted owl

Last updated June 12, 2007 6:07 p.m. PT

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P-I REPORTER

The Bush administration on Tuesday proposed to reduce by one-fifth the Pacific Northwest acreage protected as "critical habitat" for the spotted owl, arguing that the reductions will "maximize the efficiency" of blocks of land set aside for the imperiled bird.

The move would conform with a broader trend documented on Tuesday by an environmental group's analysis of 25 earlier Bush administration decisions on habitat protections for endangered species. In those cases, the protected areas were reduced an average of 36 percent, said the Center for Biological Diversity.

Five of those animals lost the extra protections on more than half the acreage originally protected. The proposed spotted owl habitat rollback "is typical of an administration that is looking to reduce protections for endangered species at every turn," said Noah Greenwald, the group's representative in the Northwest.

Many of those earlier decisions -- like the Bush proposal Tuesday -- resulted from lawsuits filed by industry that the Bush administration settled out of court, agreeing to the industry's demands.

"In these sweetheart deals, the administration settles the lawsuit and, at the industry's wishes, reduces the critical habitat," Greenwald said. "This is really no exception to that pattern."

The administration's proposal to reduce the protected owl habitat comes weeks after -- and is based on -- a proposed recovery plan for the owl altered by a high-level team of Bush administration appointees in Washington, D.C., including a former timber-industry lobbyist. That D.C. team overruled a group of Northwest scientists and others who had produced a recovery plan for the owl for the U.S. Fish and Wildlife Service.

Next month the administration is expected to propose reductions in owl protections on land administered by the Bureau of Land Management in Oregon.

"They're all hooked together," said Kristen Boyles, a Seattle-based attorney with the Earthjustice law firm. "There's no scientific justification for this."

When land is designated as critical habitat under the Endangered Species Act, anyone wishing to log in the area or otherwise disturb it faces an extra hurdle in getting the project approved.

The administration's 115-page owl habitat proposal released Tuesday said it "attempts to maximize the efficiency of a network of habitat blocks by making use of existing land allocations that benefit the conservation of the spotted owl."

It would reduce the 6.9 million acres designated for the extra protection in 1992 to 5.4 million acres.

Joan Jewett, a spokeswoman for the Fish and Wildlife Service in Portland, said, "The intention is to define what is necessary to conserve and recover the owl, and nothing more."

She emphasized that the "critical habitat" label under the Endangered Species Act does not render a piece of land inviolate, but merely elevates the review requirements used by the agency. It would still be illegal to harm spotted owls by, say, cutting down the tree where a pair nests.

The plan seeks to protect big chunks of land with at least 20 nesting pairs of spotted owl, and to ensure they are no farther apart than 12 miles. That's about how far the owls are likely to fly over unsuitable habitat in order to breed with other owl populations, scientists say, helping preserve genetic diversity that allows owls to withstand a changing environment. (Smaller chunks of land with fewer than 20 nesting pairs should be no farther than seven miles from other protected areas, under the rules used to lay out the newly proposed designations.)

Some reductions also resulted from mapping techniques that have improved since the areas were first designated in 1992, the Fish and Wildlife Service said.

"We didn't look at the '92 designation and say, 'What can we take away?' " Jewett said. "We built it from the ground up (and) said, what does the owl need? This is the best understanding of the current science."

Timber industry officials have pushed to reduce the amount of land with the "critical habitat" designation. An industry representative on Tuesday charged that environmentalists are trying to confuse the public about what's at stake.

"If some want to continue to use the owl as a surrogate for other social and political means, we're going to continue to have this controversy," said Chris West, vice president of the Portland-based American Forest Resource Council.

"They still want owls to be the surrogate for zero cut on public lands."

West said environmentalists are forgetting another major threat to the owl -- forests left overstocked with trees after a century of fire suppression. Those could flare into unnaturally intense fires that leave no habitat behind, he said, but that fate could be averted with careful logging.

"We're not talking about clearcutting old-growth," West said. "I'm being upfront with you. The timber industry wants to live and work alongside the owl. If we don't, our livelihood goes down the drain because of the big fist of the (Endangered Species Act.)"

The reductions in protection in the proposal would be mostly in Oregon and California. But two big chunks of old-growth forest would be opened up to logging on Washington's Olympic Peninsula, where the owls are faring worse than most anyplace else.

There and elsewhere, the spotted owl faces competition from the barred owl, an aggressive competitor from the East, as well as the legacy of massive clearcuts dating to the 1980s and early 1990s.

"The (spotted) owls are getting hammered by barred owls over there and if you want to stabilize that, the worst thing you can do is draw down habitat," said Dominick DellaSala, an environmental scientist tapped by the U.S. Fish and Wildlife Service for the Northwest-based owl recovery team. "When a species is facing multiple threats, it needs more habitat -- not less."

The owl became a flashpoint in the timber wars between environmentalists and loggers after it was declared a threatened species in 1990 due primarily to heavy logging in old-growth forests where it nests and feeds.

Under court order, timber production on national forests in Washington, Oregon and Northern California was cut by more than 80 percent in 1994 to protect owl habitat, contributing to mill closures and job losses that were particularly painful in rural areas with no other industry. Since then, the Northwest economy has turned to other industries, particularly high-tech, retirement and tourism, but some rural areas continue to struggle.

Boyles, the Seattle lawyer, predicted that the newly proposed habitat rule would be successfully challenged by environmentalists in court if it is not changed by the time it becomes final next year.

"Pick your favorite metaphor -- is this a house of cards being built for habitat protection, or is it a series of dominoes that's going to fall?" she said.

SPEAK OUT

Comments are due by Aug. 1. By mail: Kemper McMaster, Field Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Ave., Suite 100, Portland, OR 97266. By fax: 503-231-6195. By computer: email northernspottedowlCH@fws.gov, or go to the Federal "eRulemaking" Portal at regulations.gov.

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