

Owl's 'critical habitat' may be reduced

The Fish and Wildlife Service proposes a 22% downsizing in the Northwest. Critics say it's bowing to the timber industry.

By Alison Williams



[Smaller haven?](#)

For the first time since coming under federal protection 15 years ago, the northern spotted owls' forest haven may be in jeopardy.

The U.S. Fish and Wildlife Service has proposed to decrease the owls' "critical habitat" by 1.5 million acres, or 22%.

The birds were listed as threatened under the Endangered Species Act in 1990, with the habitat designation coming two years later.

In 1994, the government adopted the Northwest Forest Plan to help protect the owls and the marbled murrelet, a tiny seabird that nests in large trees, as well as to safeguard old-growth forests and watersheds. Designed to allow some logging, the forest plan has been bitterly contested for years by the timber industry and industry-dependent rural communities.

Most of the critical habitat proposed to be reduced is in Oregon. Some is in Washington, and 97,000 acres of it is in Northern California — primarily in Del Norte, Shasta, Siskiyou, and Trinity counties. The Northwest Forest Plan covers 24.5 million acres in the three states.

Logging companies say the reduction would allow them access to trees they are entitled to under the forest plan, which some experts say has not worked out as was intended.

"I've been disappointed that the plan became a lot more static than we intended it to be. It's been very difficult to get the timber yields out," said Jack W. Thomas, chief of the Forest Service from 1993 to 1996 and one of the architects of the Northwest Forest Plan.

But critics of the proposal say it is part of a broad strategy by the timber industry and a sympathetic Bush administration to undermine protection of old-growth forests and resident wildlife.

According to environmentalists, a coalition of industry, labor and rural counties have sued over the years to weaken aspects of the forest plan and administration officials have acquiesced despite the advice of scientific advisors.

Federal officials say there is a scientific basis for their policy changes, including the proposed reduction of owl habitat. In coming up with the revision, said Fish and Wildlife Service spokeswoman Joan Jewett, its authors "didn't look at trying to save every single area that they didn't feel was essential to the recovery of the owl."

Two members of the scientific team analyzing the owl habitat issue said their work was largely rewritten by political appointees — over the scientists' objections.

"We know that the spotted owl populations are still declining, and it just is counterintuitive to continue reducing the amount of protected habitat," said Tim Cullinan, a wildlife biologist with the National Audubon Society in Washington

state.

Cullinan and Dominick DellaSala, an environmental scientist with the National Center for Conservation Science and Policy, said they were required to weaken their original proposal by an oversight committee whose members included Mark Rey, the Agriculture Department's undersecretary for natural resources.

In an interview with The Times, Rey maintained that the conclusions of the scientists were included.

Environmentalists critical of federal policies also point to an Oregon attorney who, after representing the timber industry in legal challenges, became a federal lawyer who helped craft policy consistent with industry demands.

From 1994 to 2002, timber companies and county governments filed lawsuits that sought, among other things, to reduce owl habitat and to eliminate a mandatory survey designed to identify and protect about 400 types of forest wildlife and vegetation in areas available for logging. Mark Rutzick of Portland, Ore., represented logging interests in five of the lawsuits, including one that called for weakening protection of salmon streams.

In early 2003, Rutzick became an advisor to the general counsel of the National Oceanic and Atmosphere Administration. Documents show that at NOAA, he helped lay the groundwork for changes in the federal aquatic conservation strategy to protect salmon streams.

Michael Tehan, a NOAA official in Oregon, said that although Rutzick was involved, "it wasn't his idea and it wasn't the industry dictating what was being done.... The industry had suggested some sweeping changes at the same time we were deliberating and contemplating them ourselves."

Rutzick, via e-mail, declined to comment.

By 2004, the administration had agreed to a number of changes in Northwest forest policies sought in court by the timber industry.

"The Bush administration has turned over the national forest and the national endangered species program to the timber industry," said Kieran Suckling, policy director of the Center for Biological Diversity, an environmental conservation group.

"Rutzick is the clearest example of this extraordinary disregard for the basic principles of government," he said.

Rutzick, who left the government, is back representing the timber industry. In March, he filed a lawsuit over marbled-murrelet policy on behalf of the American Forest Resource Council, an industry group. The suit is based on the Bush administration's proposed changes to Endangered Species Act regulations, which had not been made public.

In May, House Natural Resources Committee Chairman Nick J. Rahall II (D-W.Va.) sent a letter to the inspectors general of the Interior and Commerce departments asking: "Could you please inquire how the American Forest Resource Council obtained a copy of the regulation?"

Environmental groups have sued successfully to block some terms of settlements arising from timber industry cases. Courts have thrown out the administration's changes to the mandatory survey and to the aquatic conservation strategy.