

# Daily Journal

January 06, 2012

## Judge halts tree-cutting projects in NM, Arizona in suit over Mexican spotted owl protection

By FELICIA FONSECA

FLAGSTAFF, Ariz. — A federal judge has halted three tree-cutting projects in Arizona and New Mexico that environmentalists contend could harm the Mexican spotted owl.

WildEarth Guardians sued the U.S. Forest Service in 2010, claiming the agency ignored its responsibility to track the owl's numbers in the two states. The judge's decision Thursday to grant a preliminary injunction means the projects cannot move forward until the Forest Service consults with the U.S. Fish and Wildlife Service on the impacts to the owls.

"The bottom line is we need to know whether the spotted owl is doing well or is declining," said Bryan Bird, the director of WildEarth Guardians' wild places program. "And we don't know that right now because the Forest Service has failed — and they've admitted it — to collect that information."

The owl found on national forest lands, from steep wooded canyons to dense forests, was first listed as threatened in 1993. More than 8 million acres in four Western states — Arizona, New Mexico, Utah and Colorado — have been set aside by Fish and Wildlife as critical habitat for the bird.



A Mexican spotted owl is shown in this undated file photo provided by the Center for Biological Diversity. A federal judge has put a stop to forest thinning and maintenance projects in Arizona and New Mexico that environmentalists contend could harm the Mexican spotted owl, according to a report Friday Jan. 6, 2012. (AP Photo/Center for Biological Diversity, File)

Federal biologists have said the biggest threat to the owls is destruction and modification of their nesting habitat.

Forest Service spokeswoman Cathie Schmidlin said Friday that the agency is contacting contractors and power companies to let them know of the court's order. One of the projects is for fuel reduction in southern New Mexico's Lincoln National Forest,

while a utility maintenance project stretches across a handful of Arizona forests.

Schmidlin said logging activities on the Upper Beaver Creek Project on northern Arizona's Coconino National Forest already have stopped.

U.S. District Judge David Bury in Tucson initially denied a request from WildEarth Guardians to put a stop to the projects but reconsidered at the group's request. Bury wrote in his order Thursday that the injunction aligns with a decision in a companion case that was more broad but also cited concerns over the Mexican spotted owl.

The lawsuit claims the Forest Service continues to approve logging, grazing and other activities on the Southwest region's 11 forests that could potentially harm the bird. It asked the court to keep the agency from approving or implementing any permits or projects on forest land in Arizona and New Mexico until the agency also prepares a biological assessment.

Bird said his group focused on the three projects out of dozens because it determined those had the most immediate impact to the owl that now will "get the attention it deserves."