

Group to sue interior secretary for delaying protection of spotted owl, other species

By [Bradley W. Parks](#) (OPB)

Bend, Ore. Jan. 5, 2021 2:24 p.m.

The Center for Biological Diversity alleges the Trump administration has failed to make “expeditious progress” on species awaiting protection under the Endangered Species Act.

The northern spotted owl is on a slow but steady course toward extinction.

Todd Sonflieth / OPB

The Center for Biological Diversity plans to sue outgoing Interior Secretary David Bernhardt over Endangered Species Act decisions on the northern spotted owl, monarch butterfly and other species.

The court filing alleges Bernhardt has [unlawfully delayed protections](#) for the owl, butterfly and nine other species. The U.S. Fish and Wildlife Service and its director, Aurelia Skipwith, are also named in the lawsuit.

“Unfortunately, we’ve had to use lawsuits to get species protected more than one would hope,” said Noah Greenwald, endangered species director for the Center for Biological Diversity.

“Species have ended up waiting decades for protection, so we’ve had to step in and sue to get species protected.”

The northern spotted owl is listed as threatened under the Endangered Species Act. It faces extinction due to the loss of old growth forests and the invasion of the barred owl in the Pacific Northwest and northern California. The Fish and Wildlife Service says the spotted owl's continued decline warrants uplisting the species to endangered.

However, the agency [decided against reclassifying the spotted owl](#) in December, saying other species were higher priorities.

The Fish and Wildlife Service similarly [precluded the monarch butterfly](#), which has suffered habitat degradation and population decline across the American West, from listing as a threatened species.

The Endangered Species Act [allows the Fish and Wildlife Service to delay listing decisions](#) only if it is making "expeditious progress" on its backlog of hundreds of species awaiting protections. The lawsuit alleges the agency has failed to justify its decisions on the owl and the butterfly given the relatively few listing decisions it's made since President Donald Trump took office.

"The Trump administration has only listed 25 species in four years, which is the fewest number of any administration since the act was passed," Greenwald said.

Greenwald said his group hopes to work with the incoming Biden administration on creating a schedule for listing decisions at a faster pace.

The Fish and Wildlife Service maintained in an emailed statement that other species were of higher priority than the 11 named in the lawsuit, including the spotted owl and monarch butterfly.

“We will undertake a thorough review of all available data to determine whether to proceed with a proposed listing rule for these candidate species,” the statement reads. “As a result, we may propose to list the species or conclude that listing is no longer warranted.”