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December 21, 1989

Michael J. Spear
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Mike,

THIS IS A FORMAL PETITION TO THE U.S. FISH AND WILDLIFE SERVICE TO LIST THE MEXICAN SPOTTED OWL (Strix occidentalis lucida) ON THE FEDERAL LIST OF THREATENED AND ENDANGERED SPECIES FOR FEDERAL PROTECTION AS PROVIDED BY THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED IN 1982.

The Mexican Spotted Owl currently enjoys no effective legal protection. The Arizona Game and Fish Department (AGFD) already recognizes the Spotted Owl as "threatened" in its publication Threatened Native Wildlife in Arizona. This Arizona listing means that AGFD biologists and the Arizona Game and Fish Commissioners believe that the owls' continued presence in Arizona could be in jeopardy in the near future. Their population is known to have declined (1). The status of the owl as a distinct subspecies is not a question. Definite differences between the Mexican and coastal subspecies have been confirmed using allozyme electrophoresis by Rocky Gutierrez of Humboldt State University (2). The Mexican Spotted Owl merits protection by federal listing for the following reasons:

1. Current population estimates are low. They may already be below a number necessary to insure long-term viability.

2. The owl's critical habitat is facing widespread present and threatened destruction and modification.

3. Existing regulatory mechanisms for protecting the owl are inadequate.

Historically, the Mexican Spotted Owl has been found primarily throughout the canopied wooded areas of Arizona and New Mexico, with small populations noted in southern Utah, west Texas and southcentral Colorado. At one time, the range of the owls even extended to low elevation riparian habitats throughout the Southwest (3), though more than 90% of these areas have been lost. The owls are now found almost exclusively in remnant stands of unlogged forest on steep slopes or in remote wooded canyons of the forest or mountain drainage systems (4,5). That the population has significantly declined from historical levels has not been a subject of debate. In Arizona, Ganey and Balda were "unable to locate Spotted Owls at 27% of the historic sites resurveyed" (5).

The estimated population of surviving Mexican Spotted Owls is now only between 350 and 600 pairs. Such a low number is of special concern in a population whose natural history is characterized by low fecundity, high juvenile mortality, and high adult survivorship (4,6). The Mexican Spotted Owl may already be at or below a population level minimally necessary for long term survival.

Isolation of subpopulations and dramatic fragmentation of valuble habitat continues, and more is planned. Shockingly, 89% of northern Arizona's Spotted Owl sites are found in areas available for timber harvest, 55% are in areas already scheduled for cutting!!(4,5) With the newer cable logging techniques, even the once relatively secure steep slopes and canyon refuges are now at risk.

"Protection" of the Mexican Spotted Owl currently consists of USDA Forest Service (USFS) non-legally binding policy guidelines that have compromised scientific concern to insure continued, excessive timber quotas. That the USFS has taken the lead in protecting the Spotted Owl is, in itself, a threat to the owl's long-term survival. This danger is attitudinal primarily, stemming from the Forest Service's consistent desire to accomodate destructive, consumptive or developmental influences. There are many examples, each conservationist cites his own. On August 4, 1987, the then Lincoln National forest supervisor, Jim Abbott, was quoted in the El Paso Times, as saying that Spotted Owls can tolerate logging "as long as we don't cut the trees they're living in" (7). On September 4, 1988, Apache-Sitgreaves forest supervisor Nick McDonough said, "On the Apache, we actually have too much old growth..." (8) On May 27, 1989, Kaibab Forest Products' loggers were discovered cutting in suitable Spotted Owl habitat. The timber was approved for harvest by the North Kaibab Ranger District (NKRD) without even surveying for Spotted Owls. Later, in spite of written notification to the District, to the Forest, and to the regional forester, David Jolly, concerning the NKRD's disrespect for published guidelines, and in spite of reassurance from the Region of closer supervision, a core territory was set up in an area harvested the

end of this summer (1989). Sometime in 1989, before the announcement of the extension of the 1988 USFS guidelines, Regional Forester Jolly, himself, arbitrarily set up special, nonscientifically supported 300 acre "core" areas on the Lincoln National Forest to satisfy White Sands Forest Products' wishes. On July 27, 1989, the Coronado National Forest released an environmental assessment ignoring published USFS Spotted Owl
guidelines to accomodate a proposed Mt. Lemmon development project. An organization whose primary motivation is consumptive timber management will never appreciate the old growth forest as a priceless resource in itself, and will never adequately respect basic preservation principles well enough to be entrusted with their administration.

The USFS Spotted Owl guidelines themselves reflect the Forest Service's desire to please its timber industry suitors, rather than to respect scientific concern. Biology has been compromised to accomodate timber quotas. Nearly all the objective Mexican Spotted Owl range and habitat use data comes from Joe Ganey's 1988 NAU Master's Thesis (4). Not only did Ganey recognize the important relationship between the Spotted Owls and mature canopied forest, he gathered telemetry data, mapping territorial ranges of the owls. He found that the average home ranges were 1486.46 acres (95% contour), with 80% of the time spent in 47% (770.94 acres) of the total territory, and with 60% of the time spent in 21.1% (315.37 acres) of the total. In spite of this data, industry pressure influenced the "Spotted Owl Committee" to arbitrarily arrive at the guideline's "protected core" area of 450 acres. This artificial core territory then became the primary focus of the USFS's Spotted Owl "management" design. Concerns about condensing activity centers, long term effects of forest fragmentation (especially on prey base), juvenile dispersal, variable behaviorial responses to calling throughout the region, provision for adequate winter foraging habitat, home range differences due to elevation, and safe movement corridors have all been ignored. To accomodate uninterrupted timber harvesting, the guidelines have also provided incentive for not finding owls until late in the sale development process. Owls found in areas under contract need only be protected by 450-acre "core" areas alone. Roads and road building are allowed, even through the "core areas" themselves, no matter when in the sale process owls are discovered.

The Mexican Spotted Owl represents the canopied, mature woods that are vanishing with increasing rapidity. Preserving this old growth forest, with which the owl is so closely associated, will be a definite challenge to our own societal maturity. The timely importance of preserving some biodiversity demands that we act now. The Mexican Spotted Owl is "already patchily distributed. Further fragmentation of suitable habitat could disrupt dispersal patterns, increase isolation

of subpopulations, and reduce effective population size, thus increasing the likelihood of local extinction" (5,6,9).

The filing of this petition has not been undertaken lightly. Listing any "indicator" species whose critical habitat is threatened by commercial motivations will be controversial. A closing reminder however: the Endangered Species Act provides that "the Service must provide the benefit of the doubt to the species concerned" (10) and that the listing decision is "based solely on an evaluation of the biological risks faced by the species to the exclusion of all other factors" (11,12). I await your prompt response as mandated by law.

Sincerely,

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cc: John Turner, USFWS
Peter Berle, National Audubon
Jay Hair, National Wildlife
Peter Cellarius, Sierra Club
George Frampton, Wilderness Society
M. Rupert Cutler, Defenders of Wildlife
John Adams, Natural Resources Defense Council
Duane Shroufe, AGFD
Bill Montoya, NMDGF

Footnotes:

1. "Threatened Native Wildlife in Arizona," AGFD, Phoenix, 1988.
2. Gutierrez, Rocky, personal communication.
3. Johnson, J.A., and T.H. Johnson, "The Status of the Spotted Owl in Northern New Mexico", New Mexico Dept. Game and Fish, Santa Fe, 1985.
4. Ganey, J.L., "Distribution and habitat ecology of Mexican Spotted Owls in Arizona", NAU M.S. Thesis, Flagstaff, 1988.
5. Ganey, J.L., and Russell P. Balda, "Distribution and Habitat Use of Mexican Spotted Owls in Arizona", Condor, 91:355-361.
6. Dawson, W.R., et.al., "Report of the Scientific Advisory Panel on the Spotted Owl", Condor, 89:209-229.
7. Sheppard, David, "Rare owls found in Lincoln Forest", El Paso Times, August 4, 1987.
8. Downey, Dave., Mesa Tribune, September 4, 1988.
9. Lande, R., and G.F. Barrowclough, "Effective population size, genetic variation, and their use in population management", Viable Populations for Conservation, M.E. Soule [ed.], Cambridge Univ. Press, New York, 1987., p. 87-123.
10."Rules and Regulations", Federal Register, June 3, 1986, p. 19952.
11."Rules and Regulations", Federal Register, October 1, 1984, p. 38900.
12.Northern Spotted Owl, et al., v. Hodel, D.C. W.D.W. 1988, No. C88-5732, p. 3.