



February 3, 2009

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Salazar:

Congratulations on your appointment as Secretary of the Interior. The undersigned conservation organizations look forward to working with you to address a number of current issues regarding the forests of the Pacific Northwest and the fate of the threatened Northern Spotted Owl and the threatened Marbled Murrelet. We would be interested in meeting with you to discuss appropriate steps to ensure that these threatened species and the old growth forests of the Pacific Northwest, a national treasure, receive the protection they deserve.

We urge that a number of decisions made by the previous administration be reversed, including the Western Oregon Plan Revisions (WOPR), the Northern Spotted Owl Recovery Plan, the reduction of the amount of Critical Habitat for the Northern Spotted Owl, and the proposed reduction in the amount of Critical Habitat for the Marbled Murrelet. We believe these are appropriate steps to ensure that these threatened species and the old growth forests of the Pacific Northwest, a national treasure, receive the protection they deserve.

We are very alarmed about the status of the Northern Spotted Owl and Marbled Murrelet whose populations are rapidly declining. These threatened species are included on the U.S. WatchList, a list of birds of highest conservation concern developed by scientists from American Bird Conservancy and Audubon. The Northern Spotted Owl is declining in Washington State at approximately 7% per year and across its entire range at approximately 4% a year. The most recent scientific status review of the Marbled Murrelet concluded that if the current trend of a 4-6% annual decline continues the species will be extinct in Washington, Oregon, and California outside of the Puget Sound area within the next 100 years. It is probable that unless effective conservation actions are taken, both species will soon need to be up-listed under the Endangered Species Act from threatened to endangered.

Given these population declines combined with new threats posed by climate change, additional habitat protection is needed to assure the survival and ultimate recovery of these species. This need has been contradicted by the WOPR, the decision to reduce Critical Habitat for the owl, the Northern Spotted Owl Recovery Plan, and the proposed reduction in Critical Habitat for the murrelet.

We are particularly disappointed that the WOPR, which is on its face is very harmful to at least two threatened species, has not been reviewed through Section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The WOPR reduces habitat protection and increases take of these species including the elimination of an estimated 830 Spotted Owl sites over the course of its implementation. The WOPR will significantly increase logging and road construction in areas inhabited by the Marbled Murrelet and Northern Spotted Owl.

The low elevation forest lands of western Oregon managed by BLM have very high ecological values, and they provide critically important and irreplaceable connectivity habitat that links large blocks of habitat in the

Coast Range, Cascades, and Klamath Mountains. This is important for the Northern Spotted Owl and many other animals. If the WOPR is implemented it could trigger the need to list the Pacific fisher, the red tree vole, and species formerly protected by the Northwest Forest Plan's "survey and manage" program.

Older forests throughout western Oregon that these threatened species depend on would be at-risk and over 70% of the timber volume would come from clearcuts where no green trees would be retained, significantly reducing dispersal habitat for the Northern Spotted Owl. The first example of a project under the WOPR, the Edson Regeneration Project, has been released for scoping by the BLM's Coos Bay District; the project proposes to clearcut 1,400 acres with no leave trees in stands up to 160 years old and build ten miles of new logging roads.

Our concerns about the WOPR have been further heightened by the recent change in rules regarding Section 7 consultation. If the Bureau of Land Management is allowed to determine when consultation should be required, potentially harmful projects may no longer go through this review, which historically has provided an important check on inappropriate decisions, and has improved land management.

Recommendations

- A. The Bureau of Land Management must withdraw the Western Oregon Plan Revision. If BLM wishes to replace the Northwest Forest Plan with a new planning regime for these forests, before such a plan is finalized, BLM must initiate and complete Endangered Species Act section 7 consultation with FWS and NMFS. After consultation, a new DEIS could be developed based on the best available science (including that on climate change in our region) that includes a broader range of alternatives, including an alternative that conserves all existing Northern Spotted Owl and Marbled Murrelet habitat and an alternative that focuses on the importance of these forests for carbon sequestration.
- B. The U.S. Fish and Wildlife Service should reverse the reduction in Critical Habitat for the Northern Spotted Owl and withdraw the proposal to reduce Critical Habitat for the Marbled Murrelet.
- C. The U.S. Fish and Wildlife Service should withdraw the flawed Northern Spotted Owl Recovery Plan and develop a new recovery plan based on the best available science, including the science underlying the Northwest Forest Plan.
- D. The U.S. Fish and Wildlife Service should withdraw the recent rule change concerning the implementation of Section 7 consultation under the Endangered Species Act.
- E. Federal land and wildlife managers should develop a no-take policy for these threatened species on all federal, state, and private lands.

Thank you for considering these recommendations. We look forward to working with you to resolve these problems created by the last administration. To respond to our meeting request, please contact Steve Holmer, American Bird Conservancy, 202/234-7181, sholmer@abcbirds.org.

Sincerely,

Steve Holmer
American Bird Conservancy
Washington, D.C.

Dominick DellaSala, Ph.D.
National Center for Conservation Science & Policy
Ashland, Oregon

Bob Freimark
The Wilderness Society
Seattle, Washington

Mike Daulton
National Audubon Society
Washington, D.C.

Athan Manuel
Sierra Club
Washington, D.C.

Randi Spivak
American Lands Alliance
Washington, D.C.

Bill Snape
Center for Biological Diversity
Washington, D.C.

Jon Hunter
Endangered Species Coalition
Washington, D.C.

John W. Fitzpatrick
Cornell Laboratory of Ornithology
Ithaca, New York

Donnie Dann
Bird Conservation Network
Chicago, Illinois

Roberta Asher
Chicago Audubon Society
Chicago, Illinois

Gail Taxy
Lake Cook Chapter of Illinois Audubon Society
Chicago, Illinois

Jenny Vogt
Illinois Ornithological Society
Lake Forest, Illinois

Suzanne Checchia
Evanston North Shore Bird Club
Evanston, Illinois

Bethany White
The Fox River Country Day School
Chicago, Illinois

Rodney Siegel, Ph.D.

**The Institute for Bird Populations
Point Reyes, California**

**Scott Greacen
EPIC - the Environmental Protection Information Center
Arcata, California**

**Kimberly Baker
Klamath Forest Alliance
Orleans, California**

**Larry McCowan
World Stewardship Institute
Petaluma, California**

**Paul Hughes
Forests Forever
San Francisco, California**

**Susan and Joseph Bower
Citizens for Better Forestry
Hayfork, California**

**Ginny Rice
Safe Alternatives to our Forest Environment (SAFE)
Trinity County, California**

**Dan Silver
Endangered Habitats League
Los Angeles, California**

**Doug Heiken
Oregon Wild
Portland, Oregon**

**Chris Frissell, Ph.D.
Pacific Rivers Council
Portland, Oregon**

**David Harrison
Salem Audubon Society
Salem, Oregon**

**Joseph Vaile
Klamath-Siskiyou Wildlands Center
Ashland, Oregon**

**Chuck Willer
Coast Range Association**

Corvallis, Oregon

**Cindy Haws
Umpqua Watersheds
Roseburg, Oregon**

**Dan Kruse
Cascadia Wildlands Project
Eugene, Oregon**

**Amy Harwood
Bark
Portland, Oregon**

**Peg Reagan
Conservation Leaders Network
Wedderburn, Oregon**

**Tim Hermach
Native Forest Council
Eugene, Oregon**

**Dave Werntz
Conservation Northwest
Seattle, Washington**

**Bonnie Phillips
Olympic Forest Coalition
Olympia, Washington**

**Mike Petersen
The Lands Council
Spokane, Washington**

**Adam M Sedgley
Seattle Audubon
Seattle, Washington**

**Roger Everhart
North Central Bird Observatory
Minnesota**

**Matthew Koehler
WildWest Institute
Missoula, Montana**

**Cecilia M. Riley
Gulf Coast Bird Observatory**

Lake Jackson, Texas

**William P. Mueller
Wisconsin Society for Ornithology**

**Bill Stewart
Delmarva Ornithological Society**

**Philip Witmer
Delaware Valley Ornithological Club**

**Bob Lukinic
Southern Maryland Audubon Society**

**Marilyn Wiley
Hoffmann Bird Club**

**Stephen Eccles
VSO Conservation Committee
Annandale, Virginia**

**Patricia Knight
Songbirds of Northern Indiana, Inc.**

**Richard H. Connors
Tennessee Ornithological Society**

**Harriett Pooler
Baton Rouge Audubon Society**

**Ric Zarwell
Friends of Pool 9 - Upper Mississippi River Refuge**

**Allan J. Mueller
Arkansas Audubon Society**

**Paul Hunter
Milwaukee Olmsted Bird Conservation Alliance of Wisconsin**

**Kay Charter
Saving Birds Through Habitat**

**Lisa Sorenson
Society for the Conservation and Study of Caribbean Birds**

ADDENDUM

Cumulative Impacts of Plans and Proposals

When the WOPR is considered in conjunction with other proposals including the Final Spotted Owl Recovery Plan, the reduction of Critical Habitat for the Northern Spotted Owl, the proposed reduction of Critical Habitat for the Marbled Murrelet, and the change to ESA Section 7 consultation, there is a substantial weakening of existing protections. We do not believe the Final Spotted Owl Recovery Plan is sufficient to allow the species to avoid extinction, let alone recover. Similarly, we are opposed to the reductions in protected Critical Habitat. The available evidence indicates more Critical Habitat should be designated for the owl, not less, and that there is no scientific justification for removing murrelet Critical Habitat, particularly the 62,700 acres in Oregon's Lane and Douglas Counties.

Importance of Northwest Forest Plan

The WOPR and other decisions mentioned above move away from the Northwest Forest Plan (NWFP) without any scientific justification. Spotted Owl populations within study areas in the NWFP area are declining less rapidly (2.4% a year) than those outside of the Plan (5.8% a year). The No-Action Alternative of WOPR which would have continued the Northwest Forest Plan was by far the best alternative from the perspective of conserving Spotted Owls and Marbled Murrelets. By delinking from the Northwest Forest Plan, BLM is violating the ESA's best science mandate and is risking jeopardy to the threatened Northern Spotted Owl.

The NWFP provides important protections for the Spotted Owl beyond the network of late-successional reserves including Standards and Guidelines that restrict the amount of logging in the matrix and riparian reserves, the 15% retention requirement, no cut buffers around owl clusters, adhering to restrictions in the underlying forest plans, and the Aquatic Conservation Strategy. The Northwest Forest Plan is premised on the science of maintaining large blocks of suitable habitat while providing opportunities for owls to safely travel between reserves (i.e., matrix retentions and riparian corridors) as a way of ensuring genetic exchange among metapopulations. By moving away from the NWFP, BLM is likely to violate the ESA's best science mandate and risk jeopardy to the threatened Northern Spotted Owl.

The owl recovery plan claims to be based on two previous owl management analyses: the 1990 ISC Strategy and the 1992 draft owl recovery plan. The reserve network of the Northwest Forest Plan is more protective than either of these analyses specifically because the previous efforts were found to provide inadequate protection for the owl's viability.

The 2004 Scientific Evaluation of the Status of the Northern Spotted Owl found the owl population declining and advised that protection for all suitable owl habitat could be critical to survival and recovery. It also found the NWFP reserves integral to Spotted Owl survival and recovery.

Similarly, when designating Critical Habitat for the Marbled Murrelet, FWS noted the importance of the NWFP for the murrelet and designated Late Successional Reserves (LSRs) as Critical Habitat. The 1997 Marbled Murrelet Recovery Plan reiterated the importance of the NWFP and its LSR network for the survival and recovery of the murrelet. The Recovery Plan also stated, "Maintenance of the suitable and occupied Marbled Murrelet nest habitat in the...Bureau of Land Management-administered forests is an essential component for the stabilization and recovery of the Marbled Murrelet."

Loss of Habitat for Marbled Murrelet and Proposed Reduction of Critical Habitat

The WOPR will substantially reduce Murrelet populations over the next 50 years by reducing habitat (16% in zone 1 and 22% in zone 2). An estimated 600 murrelet sites would be lost. Given the recent status review, which is predicting extinction of the species in Oregon within 100 years, this alternative strikes us as being remarkably risky and likely to jeopardize the murrelet.

We are also disturbed by the rapid loss of murrelet habitat under FWS approved Habitat Conservation Plans (HCPs). From 1992 - 2003 an estimated 226,000 acres of murrelet habitat were lost, 80% on private land.

According to the Forest Service, in total, approximately 2% of murrelet habitat on federal lands was lost from 1996-2006 primarily due to fire, and 12% was lost on nonfederal lands primarily due to timber harvest. We see no justification for the proposal to remove 254,000 acres Critical Habitat for the Marbled Murrelet and are particularly concerned about the reduction of 62,700 acres in Lane and Douglas counties. This area is currently occupied by murrelets and the proposal is not supported by sound science.

Final Northern Spotted Owl Recovery Plan

Investigators with the Department of the Interior have found that interference with the scientific process by political appointees influenced a number of Endangered Species Act decisions including the Northern Spotted Owl Recovery Plan. The Inspector General's report found that former Deputy Secretary of Fish Wildlife and Parks, Julie MacDonald, and others interfered with the make-up of the Spotted Owl recovery team to the exclusion of owl scientists, and that Fish & Wildlife Service was beholden to the BLM's efforts to increase logging under the WOPR.

Peer reviews of the recovery plan by The Wildlife Society, the Society for Conservation Biology and the American Ornithologists Union concluded that the recovery plan should be redone because it was not based on the Northwest Forest Plan or the best available science. The reviews estimate that the recovery plan allows for the loss of 20-56% of currently protected owl habitat.

The NWFP provides over 10 million acres of habitat protection benefiting the Northern Spotted Owl, but the Final Recovery Plan recommends only 6.4 million acres of protection. Dr. Jerry Franklin testified before Congress at a recent hearing that the Managed Owl Conservation Area's (MOCAs) should have built on the NWFP by supplementing the existing network of reserves with additional suitable habitat. We agree with his assessment. There is inadequate consideration for owl dispersal, as there is no recovery action specifically addressing the need to manage forests so they provide high quality dispersal habitat between the MOCAs.

The non-reserve strategy for eastside forests and the potential that a similar strategy could be adopted in the Klamath region lacks scientific justification. We believe the existing reserves should be maintained to ensure there will be adequate habitat in these portions of the Spotted Owl's range. Given the experimental nature of the fuel reduction being proposed, and the extensive areas being considered for logging, we believe maintaining protected areas is essential, in case the proposed actions do not maintain or improve owl populations or habitat as predicted. In addition, there is inadequate protection for owls related to post-fire logging and nonfederal lands logging.

The peer review by The Wildlife Society found that the recovery plan assumed a greater risk from fire than is supported by the facts and relied on unsubstantiated claims of large habitat losses to fire and unsubstantiated claims of abandoned owl nests. The recovery plan assumes all old dry forests will burn up in 69 years, but in fact, the actual natural fire rotation interval is hundreds of years. All three peer reviews of the final plan conclude that the Fish and Wildlife Service is overstating the potential losses due to fire. For these reasons we believe the Recovery Plan is insufficient to ensure Spotted Owl survival and recovery and should be redone.

On the positive side, the Recovery Plan recognizes the importance of older and structurally diverse forests outside of the MOCAs. Recovery Action 32 recommends protection for substantially all of these forest areas which will provide important habitat for both the Northern Spotted Owl and Marbled Murrelet. However, there are concerns about how this provision will be interpreted and implemented by the land management agencies. We urge the Fish and Wildlife Service to adopt a restrictive approach to Recovery Action 32 that protects all suitable owl habitat.

The Dry Forest Strategy recognizes the importance of mature and old trees, that removing canopy fuels is least important and can be ignored in owl habitat to maintain prey habitat and closed canopy owl habitat, and the importance of retaining large trees, snags and downed-wood in post-fire environments. In the Klamath Province, the Plan recommends that more rather than fewer acres of owl habitat should be protected from regeneration cutting. The Plan also calls for an incentives program for non-federal landowners to implement procedures to recruit and maintain spotted owl habitat.

Reduction in Critical Habitat for the Northern Spotted Owl

The decision to reduce Critical Habitat for the Northern Spotted Owl by 1,549,161 acres, a 22% reduction, lacks scientific basis. This loss translates to a likely decline of 27-38% of predicted Spotted Owl abundance. A peer review of this decision concluded that it is not supported by the best available science, and contradicts the consensus of owl biologists who recommend that additional habitat protection is needed to stabilize and recover owl populations. The review also concludes that the decision appears to be overly influenced by the flawed owl recovery plan, and intended to facilitate the increased logging levels proposed in the WOPR by not recommending maintaining the reserves on BLM managed lands in Oregon.

Changes to Section 7 of the Endangered Species Act

We are opposed to changes to Section 7 of the Endangered Species Act, which formerly required federal agencies to consult with the Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) to determine whether a proposed federal action could jeopardize listed threatened or endangered species. This system of checks and balances helps ensure that the 90 birds, and hundreds of other wildlife species that are listed under the Endangered Species Act are adequately considered and protected by federal government actions.

The rule would allow federal agencies to independently determine whether consultation is necessary with the FWS or NMFS over the potential impact of projects on threatened or endangered species. The proposal runs contrary to Congressional intent, the Supreme Court's rulings, and numerous reviews of the efficacy of agency collaboration by the U. S. Government Accountability Office.

Science Team Review

The BLM is to be commended for conducting the Science Team Review which provided many recommendations on how to address shortcomings in the analysis for Spotted Owls and Marbled Murrelets. Regretfully the agency chose not to adopt them in final the EIS or Record of Decisions.

The Science Review Team had so many concerns with the draft EIS, that it is apparent the document was not based on the best available science. Of particular concern is that habitat estimates for the Spotted Owl and Marbled Murrelet were overestimated. The team identified problems with the habitat models for both species. Recent models developed as part of the Northwest Forest Plan that should have been the basis for the analysis were not used.

The Risk Analysis was flawed; the draft DEIS stated the caution built into the 1995 Resource Management Plans is no longer justified, but recent reviews have found the Spotted Owl and Marbled Murrelet are facing additional and emerging threats, and declining populations did not suggest less caution was warranted. The Team also raised important questions about the spread of invasives due to the action alternatives, climate change, and loss of Critical Habitat due to wildland fire.

The Marbled Murrelet Suitable Habitat analysis also likely underestimated the reduction of habitat under the preferred alternative and overestimated available nesting habitat because it encompasses too broad a range of structural conditions. The 16% loss of suitable Marbled Murrelet habitat understates the likely impact of reducing 50% of the existing old forest the murrelet prefers for nesting. The DEIS also appears to have underestimated the importance of block size in determining the available suitable habitat. Isolated and small patches do not make good Marbled Murrelet habitat, therefore a minimum patch size should have been used to determine acres of suitable habitat.

The team identified the importance of green tree retention, which benefits other land birds in addition to the Northern Spotted Owl and Marbled Murrelet. The Team also recognized the importance of Spotted Owl dispersal habitat, which it found may be overestimated in the DEIS. We also agreed with the Team's recommendation to better assess the impacts of migratory birds, and the effects of managed stands, which

often do not mimic early successional forests and provide suitable habitats. The Team reiterated the importance of retaining snags and other legacy features to benefit land birds that depend on natural post-fire environments.

Barred Owl

We believe that additional habitat needs to be set aside for Northern Spotted Owl management due to displacement of the species in some suitable habitats by the Barred Owl. The invasion of the Barred Owl contraindicates any reduction in critical habitat because the adverse competitive interactions between Barred Owls and Spotted Owls requires that additional suitable habitat be provided in order to increase the likelihood that these two species can co-exist instead of suffering competitive exclusion. Recovery Action 32 is a step in the right direction but is not nearly enough. Science-based experimentation on the benefits to Spotted Owl populations from Barred Owl eradication are likely to be supported by conservation organizations with the caveats that these projects need to be based on sound science and not be used to supplant or minimize habitat protection.

Loss of Habitat to Fire

The Science Team Assessment pointed out that the WOPR does not compensate for likely losses of Spotted Owl or Marbled Murrelet habitat to wildland fire. We believe additional habitat needs to be set aside for owl and murrelet management to compensate for these likely losses of habitat.

Private and State Lands

The Spotted Owl Recovery Plan failed to adequately consider the role state and private lands can play to recover the species. In addition, many Habitat Conservation Plans rely on the existing system of Late-successional Reserves. If the Reserves are eliminated, the HCPs will no longer be based on a valid analysis. There is also a possibility of dislocation to local communities dependent on timber extraction from state and private forest lands if the protections predicated by the NWFP and HCPs for BLM-administered and National Forest lands are reduced or eliminated.

Climate Change

The WOPR does not address the role of climate change or recognize the benefits of carbon sequestration. Recent studies show that old growth forests continue to absorb large amounts of carbon into the trees and soils. It is also known that logging old growth forests releases huge quantities of CO₂ into the atmosphere. We recommend that a new WOPR DEIS be prepared that considers climate change and the possible environmental and economic benefits that could be gained by managing mature and old growth forests for carbon sequestration purposes.

Sustainable Management

The BLM's novel interpretation of sustained yield management under the O & C Act of 1937 should be abandoned. The bill does not define the term, but today's understanding of sustainably managing forests includes much more than just timber volume. Given the substantial environmental impacts of the WOPR including the severe impacts to threatened species discussed above, reducing late-successional reserves, increasing cutting of mature and old growth forests, constructing 600 miles of new road, reducing riparian protection, and eliminating and reducing Areas of Critical Environmental Concern, it can be argued that the WOPR is in no way sustainable. Furthermore, county finances have been wisely decoupled from the boom-bust cycle of the timber industry the housing market. We urge that they never be recoupled.