

Interior strips protections for owl species on decline

January 14 2021, by Benjamin J. Hulac



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The Interior Department said it will eliminate from federal protection more than 3 million acres in California, Oregon and Washington vital to the northern spotted owl, a species considered endangered under federal law.

In a draft rule published Wednesday as much of the nation was glued to impeachment proceedings, the U.S. Fish and Wildlife Service, a division of Interior, said it was excluding about 3.5 million acres of "critical habitat" established for the owls. Environmental groups warned that the move could spell the extinction of the species and immediately threatened lawsuits to block the action.

The excluded habitat is more than 16 times larger than the 205,000 acres the administration proposed in August 2020.

"These commonsense revisions ensure we are continuing to recover the [northern spotted owl](#) while being a good neighbor to rural communities within the critical habitat," said USFWS Director Aurelia Skipwith.

About 42 percent of the species' [critical habitat](#) will be excluded under the rule, according to the Western Environmental Law Center. The decision ignores research from federal scientists, placing the northern spotted owl on the precipice of extinction, according to Susan Jane Brown, an attorney at the center.

Included in a flurry of deregulatory steps the Trump administration has taken before it gives up power, the move runs counter to advice from

federal biologists who warned last year that lost habitat is driving the decline of the raptors.

The rule could be subject to the Congressional Review Act, which allows Congress to strike down regulations finalized in the waning months of an administration. Experts place the cutoff point for adoption of such rules in mid-May, before which they would likely be outside the scope of that law.

Democrats are expected to use their Senate control to strike down many Trump-era regulatory changes. Simple majorities are required for the CRA, and if Democrats are unable to get any GOP support, they would be able to break 50-50 deadlocks with the vote of Vice President-elect Kamala Harris.

"Habitat loss was the primary factor leading to the listing of the northern spotted owl as a [threatened species](#), and it continues to be a stressor on the subspecies due to the lag effects of past [habitat loss](#), continued timber harvest, wildfire, and a minor amount from insect and forest disease outbreaks," the service said in an assessment of the birds dated Dec. 15.

In that assessment, the service said federal protection under the Endangered Species Act should be ratcheted up, not down, for the birds.

"Based on our review of the best available scientific and commercial information pertaining to the factors affecting the northern spotted owl, we find that the stressors acting on the subspecies and its habitat, particularly rangewide competition from the nonnative barred owl and high-severity wildfire, are of such imminence, intensity, and magnitude to indicate that the northern spotted owl is now in danger of extinction throughout all of its range," the document reads.

The authors added, in part, that "we find that listing the northern spotted owl as an endangered species is warranted throughout all of its range."

Last week, Interior said it would no longer hold petroleum and other industries legally liable for killing migratory birds as long as they did not mean to.

The executive branch has also pushed for sweeping changes to the Endangered Species Act, which applies to plants and animals, during the Trump era.

In July, Interior, joined by the Commerce Department, argued that the definition of habitat under the ESA, signed into law in 1973 by President Richard Nixon, should be narrowed.

Then in October, Interior lifted protections under the ESA for gray wolves, a long-held goal of hunters and Republican members of Congress. USFWS said it would monitor the animals for five years before turning management over to states and tribes.

Logging led to the widespread loss of forests and the protective dense canopies they provided, leading to the listing under the ESA of the northern spotted owl in the 1990s. Interior listed the owl as threatened following a court order in 1990, citing declining population and [habitat](#), among other factors.

"Here in southern Oregon this is a death sentence for owls," said George Sexton, conservation director for Klamath-Siskiyou Wildlands Center. "This decision is intended to speed the clearcutting of the last remaining fragments of old-growth forests on Bureau of Land Management public lands."

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Citation: Interior strips protections for owl species on decline (2021, January 14) retrieved 25 April 2024 from <https://phys.org/news/2021-01-interior-owl-species-decline.html>

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