

'Faulty' science used by Trump appointees to cut owl habitat

November 9 2021, by Matthew Brown and Gillian Flaccus



In this May 8, 2003, file photo, a Northern Spotted Owl flies after an elusive mouse jumping off the end of a stick in the Deschutes National Forest near Camp Sherman, Ore. The Trump administration has slashed more than 3 million acres of protected habitat for the northern spotted owl in Oregon, Washington and northern California, much of it in prime timber locations in Oregon's coastal ranges. Environmentalists are accusing the U.S. Fish and Wildlife Service under President Donald Trump of taking a "parting shot" at protections designed to

help restore the threatened owl species. Credit: AP Photo/Don Ryan, File

Political appointees in the Trump administration relied on faulty science to justify stripping habitat protections for the imperiled northern spotted owl, U.S. wildlife officials said Tuesday as they struck down a rule that would have opened millions of acres of West Coast forest to potential logging.

The U.S. Fish and Wildlife Service reversed a decision made five days before President Donald Trump left office to drastically shrink so-called critical habitat for the spotted owl. The small, reclusive bird has been in decline for decades as old-growth forests were cut in Oregon, Washington and California.

Government biologists objected to the changes under Trump and warned they would put the spotted owl on a path to extinction, documents show.

But Trump's Interior Secretary David Bernhardt and former Fish and Wildlife Service Director Aurelia Skipwith dismissed those concerns—instead adopting a plan to lift restrictions on more land than even the timber industry had sought.

In documents disclosed to The Associated Press prior to their public release, wildlife officials said Bernhardt and Skipwith underestimated the threat of extinction and relied on a faulty interpretation of the science to reach their decision.

Bernhardt defended his handling of the matter, telling AP in an email that Congress gave the interior secretary authority to exclude areas from protection.

Bernhardt said the agency's "reasonable certainty" the owl would go extinct did not match the law's requirement that habitat be protected lest a species "will" go extinct.

If wildlife officials want to change that standard, he said, "they should seek a change from Congress."

"Any future Secretary can weigh the benefit factors differently, but they can not change the law or the legal standard," he wrote.

Officials twice delayed the changes after President Joe Biden took office and they never went into effect. That puts them among numerous Trump-era policies reversed or struck down by the Interior Department in recent months, on issues from oil and gas drilling on some public lands, to protections for birds from power line and wind turbine collisions.

Democratic lawmakers from Oregon, Washington and California in February called for an investigation into the removal of spotted owl protections, citing potential scientific meddling by Trump appointees.

Wildlife advocates, government agencies and the timber industry have sparred for decades over the northern spotted owl, which officials said Tuesday is in "precipitous decline" and getting close to disappearing from parts of Washington and Oregon.



A Northern Spotted Owl flies after an elusive mouse jumping off the end of a stick in the Deschutes National Forest near Camp Sherman, Ore., on May 8, 2003. The U.S. Fish and Wildlife Service reversed a decision, made five days before President Donald Trump left office, to drastically shrink so-called critical habitat for the spotted owl. U.S. wildlife officials said Tuesday Nov. 9, 2021, they have struck down the rule that would have opened millions of acres of forest in Oregon, Washington and California to potential logging. Credit: AP Photo/Don Ryan, File

Federal habitat protections imposed in 2012 were meant to avert the bird's extinction. They've also been blamed for a logging slowdown that's devastated some rural communities.

Of 9.6 million protected acres (3.9 million hectares), federal officials proposed in August 2020 to remove protections for about 2%.

The timber industry said the plan didn't go far enough and called for removal of more than 28%. On January 7, Skipwith changed her agency's recommendation and went even further, telling Bernhardt more than one-third of the protected land, or 3.5 million acres (1.4 million hectares), should be excluded from protection.

The land has huge swaths of timber and includes 2 million acres (809,000 hectares) spread in a checkerboard pattern across western Oregon.

Logging those lands might not have immediately killed off the owls immediately—they live up to 20 years on individual territories that can stretch across 10,000 acres (4,000 hectares)—yet eventually they would have gone extinct, said Paul Henson, the wildlife service's Oregon supervisor.

When Henson brought his concerns to superiors last December, Skipwith overrode them.

"You can't remove over a third of an endangered species' habitat and not expect it to go extinct," Henson said in an interview. "There wasn't much disagreement about the science. The disagreement was how much that risk constrains the secretary's authority" to remove habitat protections.

The logging industry says more thinning and management of protected forests is necessary to prevent wildfires, which devastated 560 square miles (1,450 square kilometers) of spotted owl habitat last fall. Most of that area is no longer considered viable for the birds.

Timber interests say much of the land set aside under Tuesday's

announcement isn't actually spotted owl habitat or is broken up into parcels too small to support the owl. As such, the smaller habitat designation issued under Trump was "legally and scientifically valid," said Nick Smith, a spokesman for the American Forest Resource Council. The group represents about 100 manufacturing and logging operations in five western U.S. states.

"The federal government cannot set aside critical habitat unless it is habitat for the species," Smith said.

The logging industry says the larger, non-native barred owl is a much greater threat than cutting trees. Skipwith echoed that contention when she said the most effective way to preserve spotted owls was to control barred owl numbers.

"The main threats faced by the northern spotted owl are the barred owl and the devastating forest fires," Skipwith said, adding that she used sound science to reach her conclusion. "It's not an issue of acreage; it's an issue of the management of the land."



A northern spotted owl, named Obsidian by U.S. Forest Service employees, sits in a tree in the Deschutes National Forest near Camp Sherman, Ore., in this May 8, 2003 file photo. The U.S. Fish and Wildlife Service reversed a decision, made five days before President Donald Trump left office, to drastically shrink so-called critical habitat for the spotted owl. U.S. wildlife officials said Tuesday Nov. 9, 2021, they have struck down the rule that would have opened millions of acres of forest in Oregon, Washington and California to potential logging. Credit: AP Photo/Don Ryan, File

The barred owls, native to the eastern U.S., began affecting spotted owl numbers in Washington and Oregon about a decade ago as they expanded west and south. The incursion accelerated in recent years, putting spotted owls on a downward trajectory that could prompt them to disappear from some areas within ten years, said U.S. Department of Agriculture research biologist Alan Franklin.

Biologists beginning in 2009 studied whether [removing barred owls](#) in areas of northern California, Oregon and Washington would help the spotted owl. A pilot program that wrapped up in August showed spotted owl numbers stabilized when barred owl numbers were reduced. They continued to decline in areas without the removals.

[Study](#) authors cautioned that the results show habitat protections also are critical to the spotted owl's survival.

In rejecting the Trump rule, federal officials said the dual threat of wildfires and competition from the barred owl underscore why more forest needs protection—to make sure there's enough "redundancy" of habitat that a large fire won't doom the species.

A large-scale barred owl removal program is not in place. Wildlife officials said the best science shows protecting older forests—where owls nest, roost and hunt—is crucial.

Owl expert R. J. Gutiérrez from the University of Minnesota agreed. He said setting aside forest habitat and naming the northern spotted owl as a threatened species in 1990 briefly boosted it before barred owls arrived.

Until barred owls are dealt with, "all habitat is critical" so spotted owls can find refuge from the aggressive newcomers, said Gutiérrez who has spent several decades studying spotted owls along the West Coast.

Environmental groups cheered Tuesday's move but expressed frustration that about 200,000 acres (about 81,000 hectares) of previously protected habitat were excluded under a replacement rule signed by Martha Williams, Biden's nominee to lead the Fish and Wildlife Service.

"In the past 20 years, there's been accelerated loss of old-growth forest on state and private lands so it's continued to lose habitat," said Noah Greenwald with the Center for Biological Diversity. Climate change adds to the threats, he said.

In December, federal officials determined that northern spotted owl's continued decline means it merits a more critical listing as "endangered."

The agency refused to do so immediately, saying other species took priority. That decision is facing a legal challenge.

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