OWL WAR II

When the Clinton administration implemented its Northwest Forest Plan, the environmental community and the press, assuming the northern spotted owl had been saved, moved on to other issues. Now the owls are telling a different story. It's not too late to save them from oblivion, but it will require a dramatic shift in strategy.

By Ted Williams

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Last August Audubon Washington director Nina Carter and I hired Robert Pearson of Packwood, Washington—a.k.a. "Hooter Bob"—to guide us on a spotted owl search high in the Gifford Pinchot National Forest's Cowlitz Valley Ranger District. With us were Shawn Cantrell, director of the Seattle Audubon Society; Denis DeSilvis, a Seattle Audubon volunteer; and Paul Bannick, noted wildlife photographer and director of development for Conservation Northwest.

Hooter Bob speaks spotted owl without a trace of accent, having studied the language from cassettes played endlessly on his truck's tape deck. He had been on a fire crew when, in 1991, the U.S. Forest Service asked him to help map spotted owl habitat. Since then he has honed survey protocols, finding new nest sites.

Because the biggest trees in the Pacific Northwest grow in the low-lying forests, most have been clearcut and planted to Douglas fir monoculture, thereby destroying the habitat of spotted owls and other wildlife. Only about 20 percent of the old growth remains, predominantly on Forest Service and Bureau of Land Management (BLM) lands in Washington, Oregon, and California, so we had to drive to a high ridge. Above us silver fir marched up the slope. To our southeast, across the wide, emerald-green valley, Mount Adams arched into the cloudless sky, its snowfields and glacier gleaming. The woods here aren't classic old growth, but there are plenty of older trees, mostly Douglas fir, hemlock, western red cedar, slide alder, and red alder. Northern spotted owls are highly dependent on cavities for nest sites, and because they're sensitive to temperature fluctuations, they need a high canopy so they can move to lower branches when it's hot and to high ones when it's cold (because warm air rises).

When spotted owls were found inhabiting much younger second growth, mostly in California, the timber industry made a lot of noise about how the old-growth forests that remain supposedly aren't necessary to keep the species on the planet. But the preeminent spotted owl scientist, Eric Forsman of the Forest Service's Pacific Northwest Research Station in Corvallis, Oregon, explains that the picture isn't that simple: "As you go south you find spotted owls in some fairly young forests—40, 50, 60 years old. But those forests have lots of redwoods sprouting from stumps. In these lower elevations those redwoods grow very quickly; they might be four feet in diameter; and they develop layered, diverse structure, whereas in the north that multi-layered structure takes much longer to come back. Spotted owls need these layers, and they need big trees with nesting cavities. In Oregon and Washington trees usually don't get these cavities before they're 150 years old. And in the south there are other kinds of nest structures—platforms of dead sticks and debris, for instance."

A feature common to older forests, and vital to the owl's rodent prey base, is a healthy, diverse understory. Our party hiked through one of wild huckleberry, rattlesnake plantain, Oregon grape, coralroot, ocean spray, Indian paintbrush, thistle, fireweed, tiger lily, twin flower, strawberry, wood rose, and bear grass. For almost an hour we listened, and marveled, at Hooter Bob's mellow *whoop wu-hu hoo* rendition of the male spotted owl's vocalization. When I heard him on the slope above us I also marveled at his agility, because only a minute earlier he'd been well downslope. Then I turned and saw him climbing toward us. He'd been answered.

We clawed our way up the ridge, Carter carrying the most important tool used by owl researchers: pet-store mice. When Hooter Bob judged we were more or less under the owl, Carter reached into the cage, picked up a mouse by

the tail, and deposited it on a log, where it trustingly preened. To effectively converse with northern spotted owls you need major training, but anyone, even an *Audubon* columnist, can talk mouse. I call in eastern owls, not by hooting but by sucking air through my front teeth and lower lip. "Squeak," ordered Hooter Bob. Before I could start my second squeak the owl dropped soundlessly from his invisible perch, nearly making contact with my right shoulder, snatched up the mouse, and sailed off through the dark canopy. This close encounter with the most revered, most reviled, and most intensely studied raptor on earth astonished me more than it did *Audubon*'s editor-in-chief when I excitedly reported it to him. He informed me that spotted owls are naturally curious, responding to sounds like slamming car doors; that they may not fear humans because they rarely see them; and that, after a biologist put a mouse on it, he'd had one *land on his head.*

Over the next two hours we fed our owl four more mice, and he posed cooperatively for Bannick's camera. He closely resembled the barred owls that haunt my Yankee woods—the same earless, rounded facial disk and obsidian eyes, but slightly smaller and darker, with white spots and streaks. The fact that he hadn't swallowed or cached any of the mice was a good sign, explained Hooter Bob. It probably meant his mate was still with him; the fact that there was no vocal response from the juvenile, which Hooter Bob had been monitoring, or from the female (which usually answers the male with a *co-weeep*) probably meant both were well fed.

As pumped as I was, I couldn't shake the feeling that we'd had a visitation from the ghost of old-growth past.

Who won the Spotted-owl War?" asked environmental writer William Dietrich in the Winter 2003 *Forest Magazine.*"Democracy."

It sure seemed that way back then. In 1990, after a prolonged and vicious battle between the timber industry and wildlife advocates, the Seattle Audubon Society had prevailed in a federal court case that forced the Fish and Wildlife Service to list the spotted owl as threatened. Then, in 1994—after even nastier conflict—the Clinton administration released its Northwest Forest Plan, a de facto recovery plan for the spotted owl. This protected from unsustainable logging 24.5 million acres in Oregon, Washington, and California, not just for spotted owls but for salmon, steelhead trout, marbled murrelets, and at least 600 other species that depend on old-growth forests. The environmental community declared victory in the spotted owl war and turned to other crusades.

Meanwhile, spotted owls continued on their toboggan run to oblivion. In 2003 an interagency analysis of all data showed an annual, decade-long decline of 3.7 percent throughout the Pacific Northwest. In Washington, where the annual decline was 7.1 percent, the population had been halved. BLM wildlife biologist Joe Lint tells me that the next analysis, for which he is the funding coordinator, won't be published until 2009 because it takes five years to accumulate enough data to make such analyses meaningful. Still, he reports a steady reduction in pair counts. At this writing an optimistic population estimate might be 100 pairs for British Columbia, 1,200 for Oregon, 560 for northern California, and 500 for Washington. On top of this a federal genetic analysis released last July reveals that inbreeding threatens to spiral surviving northern spotted owls into an "extinction vortex."

So did the Northwest Forest Plan bomb? No, the Bush administration disabled it before it had a chance to succeed. The plan's architects understood that the owl would continue to decline for years, stabilize, then rebound over at least a century of forest recovery. The plan, requiring enormous political courage, was a major victory for good science and arguably the crowning environmental achievement of the Clinton administration. "It's the nation's only multi-state ecosystem-management plan," comments Kristen Boyles, Seattle-based attorney for Earthjustice, a public-interest environmental law firm. "It was the best that could have been done at the time. And I still think it's the best idea we've got out there."

Forest ecologist Dominick DellaSala, a former member of the spotted owl recovery team and director of the National Center for Conservation Science and Policy in Ashland, Oregon, offers this: "The scientific consensus is that

the plan has met most of its obligations with respect to ecosystem management. The critics like to claim that despite the plan the owl is declining and, therefore, we don't need to protect old growth. First, the plan was a strategy with an end game that would take decades to achieve—a restored, interconnected network of old forest reserves. When it went into place in 1994 about 40 percent of the [future] 'late successional reserves' [second growth] were actually clearcuts in various stages of recovery. The plan assumed it would take 50 to 100 years for these forests to acquire some old-growth characteristics, and we're only 15 years into that process. What's more, in 13 locations where birds are monitored, the rate of decline has been about half that on non-federal lands."

But in 2001 Mark Rey—the former timber-industry lobbyist chosen to run the Forest Service—got together with his former employers who wanted to triple the cut in Northwest forests. There followed a series of "sue-and-settle" lawsuits in which industry sued the government and the Justice Department declined to defend. As part of the "settlements" the administration agreed to redesignate the owl's critical habitat. Its final determination, published on August 12, 2008, slashes critical habitat by 23 percent, sacrificing 1.6 million acres. The scientific community was appalled. "I don't understand why you would do that if you know a species is threatened," remarks the Forest Service's Eric Forsman.

In the same sweetheart deal with the timber industry, the Bush administration agreed to prepare a new review of the spotted owl's status. Instead of giving the job to federal biologists paid by the public to do this kind of work and who might have come up with facts the administration didn't want the public to know, it hired a private firm (the Sustainable Ecosystems Institute) with close financial ties to the timber industry. But the new "independent review" turned out to be, well, independent. The panel of scientists assembled by the Sustainable Ecosystems Institute confirmed what everyone even moderately informed about northern spotted owls already knew—that the owl was in desperate trouble and that if the Northwest Forest Plan wasn't reinstated, the species could be on the way out.

Then, in April 2006, threatened by legal action from both industry and environmental groups, the administration agreed to hatch a recovery plan. Accordingly, the Fish and Wildlife Service selected a multi-stakeholder recovery team. "This was a balanced group," declares Seattle Audubon's Shawn Cantrell. "In addition to two environmentalists [the National Center for Conservation Science and Policy's DellaSala and Tim Cullinan, then a biologist with Audubon Washington], it included representatives from the timber industry, and federal, state, and private forest managers. It wasn't just a bunch of owl huggers."

After collecting and collating the best science available the team came up with some sensible recommendations, and in September 2006 it delivered a draft recovery plan to the Fish and Wildlife Service. But the service declined to send it out for peer review, instead announcing that the draft would be vetted by a "Washington [D.C.] oversight committee" consisting of high brass from the departments of Interior and Agriculture, including one Julie MacDonald, the civil engineer who had been appointed Deputy Assistant Secretary of the Interior for Fish, Wildlife and Parks and who was under investigation for gross abuse of power. The following April, MacDonald resigned after the Inspector General confirmed she had "been heavily involved with editing, commenting on, and reshaping the Endangered Species Program's scientific reports" and that she had "disclosed nonpublic information to private sector sources" inconvenienced by the Endangered Species Act.

The oversight committee proceeded to transmogrify the draft into a pass for the kind of predatory logging that had led to the owl's listing. "The recovery team worked really hard for more than a year to get the plan right," says Nina Carter. "And the oversight committee just ripped it up. It came back an absolute mess."

Eventually the Fish and Wildlife Service relented and sent the rewrite out for peer review, which it flunked spectacularly—this despite the fact that the agency had funded five of the six reviewers. In addition to getting slammed in peer review, the new version elicited 75,800 mostly negative comments. A letter to Interior Secretary Dirk Kempthorne from 113 of the nation's top scientists complained that the oversight committee had "ignored" science. All this was disregarded by the administration, which in May 2008 issued a final recovery plan with only marginal improvements.

"This [final] plan threatens spotted owls, marbled murrelets, endangered salmon runs, and clean water supplies across the region," announced Steve Holmer of the American Bird Conservancy in a press release. Earthjustice, a nonprofit environmental law firm, called the plan "a parting gift from the Bush administration to its timber friends."

The administration's routine sabotage of science and reflexive sacrifice of fish and wildlife to the appetites of extractive industry is hardly breaking news. But getting rid of the Bushies doesn't mean we get rid of their spotted owl plan and critical habitat designation. Barack Obama can't just disappear them. Earthjustice's Boyles explains why: "They've been promulgated as final rules with notice and public comment. They'd have to go through that process again. Undoing it would still take a while. That's the problem with having things go forward to a final rule—an administration can't cut corners even when it wants to do the right thing."

Even grimmer is the situation on state and private forestland, originally far better owl habitat than the federal forests, most of which the industry didn't want because they're at high elevations and therefore not great for growing anything, owls included. Non-federal forests have been heavily logged, and heavy cutting continues. Remarkably, however, a few birds hang on in uncut patches.

"State regs are all but nonexistent in Oregon," reports DellaSala. And he's distrustful of habitat conservation plans (HCPs)—a tool by which landowners can be exempted from prosecution for "take" of a listed species if they implement habitat improvements, maintenance, and/or protections prescribed by the Fish and Wildlife Service. "Some spotted owl scientists call HCPs 'places where owls go to die,' " he says. "The recovery plan recommends streamlining the HCP application process, so we could see even more HCPs."

The inbreeding accelerating the spotted owl's decline results from the big clearcuts that, especially, scar state and private land and which spotted owls won't cross or will die trying. "When the state and federal plans came out," says Carter, "miraculously, there were said to be no owls on Weyerhaeuser land, a huge chunk in southwest Washington that would be a natural migratory corridor connecting birds in the Cascades to birds in the Olympic Peninsula."

But a quick and by no means complete survey of this supposedly owl-free habitat by the Seattle and Kittitas Audubon chapters turned up four owls in separate locations where they had previously been known to nest. The chapters sued the state and Weyerhaeuser for a "take" violation of the Endangered Species Act and in August 2007 obtained a preliminary injunction on logging. Eleven months later the litigants reached a settlement by which representatives from the timber industry, the environmental community, and the state will attempt to come up with new regulations for the management of owl habitat on private and public land. Carter will be a member of this working group.

Audubon Washington has found many loopholes in state regulations and is working to get them closed. For example, private landowners have to leave 70 acres around active nest trees. But if they can demonstrate that the owls have not been seen or heard for three years, they get to hack out everything, *including the nest tree.* At this writing Audubon has temporarily plugged the loophole but only with a moratorium that will have expired by the time you read this.

It's always been easy not to see owls, and it may be getting easier not to hear them, because spotted owls appear to be increasingly reluctant to answer human hoots. Presumably, they don't want to give away their positions to the barred owls that have recently invaded their range from the East and that kill them and usurp their prey and nesting sites. The destruction of the old-growth forests has given a tremendous advantage to barred owls, which do fine in clearcuts.

For the timber industry the barred owl has been the bluebird of happiness, allowing it to argue that spotted owls are doomed with or without old-growth protections. Barred owls do appear to be having a major impact. The main body of the invasion was from British Columbia, which may explain why spotted owls are declining in Washington almost twice as fast as in Oregon and California. But habitat destruction, of which the barred owl irruption is a function, has been even more hurtful. "It's pretty typical for a lot of endangered species to be facing multiple threats," says DellaSala. "And some of those threats act synergistically; you're kicking the victim when it's down."

Barred owl control, touted by the timber industry as a substitute for habitat protection and now under consideration by the Fish and Wildlife Service, is a fool's errand. First, barred owls are strikingly similar in appearance to spotted owls (and so closely related that they sometimes hybridize with them). So a federal barred owl control effort might encourage people to knock off any and all black-eyed, earless owls. Second, a control program would almost certainly fail. Eric Forsman says this: "Killing a few barred owls is one thing. Systematic, ongoing control over spotted owl range is another. Places like the Olympic Peninsula are very rugged and mountainous, with no roads. I think it would be just about impossible to control barred owls."

Right now many private and state land managers in the Northwest fear spotted owls because, even with the option of HCPs, hosting the bird can mean red tape and at least some regulation. But if the recovery plan and critical habitat designation for federal lands stand, the burden on private land will become truly onerous. "In that case," declares Kristen Boyles, "I think everybody with an HCP should be worried, because they won't have the federal government doing what it's been doing for more than 10 years. Private and state lands will have to take up a lot of the slack."

For now, the future of the spotted owl and the vast ecosystem that sustains it rests with the Obama administration. First, there are the difficult and lengthy tasks of restoring science to the recovery plan and redesignating critical habitat. Then the Justice Department will have to aggressively defend against timber-industry lawsuits such as the one filed in September 2008 by the American Forest Resources Council seeking an even bigger cut in critical habitat than the Bush administration gave it. There are alternatives. One is uplisting the spotted owl from threatened to endangered—a disaster for the industry and certain to foment new and prolonged conflict.

Another is a federal law that once and for all ends the spotted owl wars by permanently protecting large pieces of habitat. Representative Peter DeFazio (D-OR) and Senator Ron Wyden (D-OR) are working on legislation that could do this.

Now that we're down to our last 20 percent of old-growth owl woods, the only hope for all people and animals that depend on these healthy forests, even the timber industry, is to slow the cut and regrow the trees. We can't lose the spotted owl without losing a whole lot more. It is just one of many indicator species, and it has done a superb job of showing us what we've done wrong. But we also need to save the spotted owl for itself—not because it is an indicator species, not even because it is beautiful and unique, not because it is anything, only because it *is.*

What You Can Do

Tell your lawmakers to support federal legislation to protect old-growth forests of the Pacific Northwest. There are a number of groups that offer information on the spotted owl situation. Consult the Audubon WatchList (web1.audubon.org/science/species/watchlist), the U.S. Fish and Wildlife Service (www.fws.gov/Pacific/ecoservices/endangered/recovery/NSORecoveryPlanning.htm), and the National Center for Conservation Science & Policy (www.nccsp.org/).

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