

# USFWS overturns spotted owl habitat rollbacks

By **GEORGE PLAVEN**  
Capital Press

WASHINGTON, D.C. — The U.S. Fish and Wildlife Service has struck down a rule issued in the final days of the Trump presidency that would have dramatically reduced critical habitat protections for the northern spotted owl in Oregon, Washington and California.

The Biden administration's revised ruling, issued on Nov. 9, claims former Interior Secretary David Bernhardt and Fish and Wildlife Service Director Aurelia Skipwith gave a "faulty interpretation of the science" to validate removing 3.4 million acres of designated critical habitat for the species.

Instead, the USFWS will maintain most of the existing habitat designations, rolling back 204,294 acres in 15 Western Oregon counties where the bird nests in old-growth forests.

Robyn Thorson, regional director for the Columbia-Pacific Northwest, said the importance of maintaining high quality habitat for northern spotted owls cannot be overstated given climate change and increasing competition from the invasive barred owl.

"This designation provides a healthy and resilient landscape for the spotted owl and other native Northwest wildlife while still sup-



Tom Kogut/USFS

**The U.S. Fish and Wildlife Service has again changed its designation of critical habitat for the northern spotted owl.**

porting sustainable timber harvest," Thorson said.

Members of the timber industry, however, have pushed back against that assertion.

The American Forest Resource Council, a group that represents wood products manufacturers and forestland owners, argues the ruling illegally designates more than 1 million acres of federal land that is not currently spotted owl habitat.

Travis Joseph, AFRC president, said the designation further restricts timber harvest and tree thinning projects designed to help mitigate large wildfires that threaten the very habitat officials are trying to protect.

"The West is burning up," Joseph said. "Every year, catastrophic wildfires are not just eviscerating habitat for the spotted owl and other species, we're watching our neighborhoods go up in ashes and our national forests turn into carbon polluters."

Competition from barred owls is the biggest threat facing the spotted owl, Joseph said, and the Fish and Wildlife Service should focus on fully implementing its barred owl removal program if it wants to boost spotted owl populations.

The ruling also comes at an economic cost. According to the AFRC, logging restrictions over the

last 20 years have cost communities between \$753 million and \$1.18 billion.

"We shouldn't forget that families and workers have suffered significantly as a result of past critical habitat designations," Joseph said.

The northern spotted owl was listed as a threatened species in 1990. Since then, the fight over habitat for the small bird has taken several twists and turns.

Officials originally designated 6.9 acres of critical habitat to be managed for species recovery. That was expanded to 9.5 million acres in 2012.

A lawsuit led by the AFRC and local counties in 2013 prompted the USFWS to take another look at spotted owl habitat. On Aug. 11, 2020, the agency called for excluding 204,653 acres. However, on Jan. 15, just days before Trump left office, that was increased to 3.4 million acres, more than 16 times the original amount.

Then-Interior Secretary Bernhardt determined the larger exclusions would not result in the spotted owl going extinct.

But in the agency's latest revision, it determined that Bernhardt and others "overestimated the probability that the northern spotted owl population would persist into the foreseeable future if a large portion of critical habitat was removed and

subsequent timber harvest were to occur on those lands."

"The (USFWS) finds in this final rule that while extinction of the northern spotted owl due to the removal of large areas of critical habitat in the January exclusions rule would not be immediate, its eventual extinction due to reduced critical habitat would be a reasonable scientific certainty," the agency stated.

Of the excluded critical habitat under the revised rule, 184,133 acres are managed by the U.S. Bureau of Reclamation — including 172,712 acres of Oregon and California Railroad Revested Lands — and 20,161 acres of tribal land recently transferred under the Western Oregon Tribal Fairness Act.

A coalition of environmental groups, which had sued to block the January 2020 ruling, largely praised the Biden administration's revision but expressed concern about removing any critical habitat for the spotted owl.

"Removing protections for over 3 million acres of forests would have had devastating consequences," said Alex Craven, a senior campaign representative for the Sierra Club. "While this final rule is a step back from the brink, science and our climate tell us that now is the time to be safeguarding more old growth habitat — not less."

# Ranchers fear proposed national monument near Painted Hills would limit grazing

By **SIERRA DAWN MCCLAIN**  
Capital Press

U.S. Sens. Jeff Merkley and Ron Wyden introduced legislation Nov. 3 to create a national monument at Sutton Mountain in Wheeler County, Central Oregon.

The proposal is widely supported by conservation groups, including the Oregon Natural Desert Association and the Conservation Alliance, but some ranchers are worried the bill would limit grazing.

S 3144 would establish a national monument on 66,000 acres of public land encircling Sutton Mountain, a fault block mountain rising above the Painted Hills. The hills would remain part of the John Day Fossil Beds National Monument.

The monument's purpose, according to the senators, is to increase the area's "wildfire resiliency," block mining claims, boost tourism to support the local economy and conserve the region "for present and future generations."

Although Merkley and Wyden say their bill "continues to allow grazing," agricultural advocacy groups say it could reduce grazing in the area.

"This (bill) was just released, so I don't have a lot of details at all, but it is my understanding that the legislation could reduce grazing opportunities without alternative grazing opportunities being provided," said Mary Anne Cooper, vice president of government affairs for the Oregon Farm Bureau.

Experts say the bill could reduce AUMs, or animal unit months, through a land transfer between the federal government and City of Mitchell. An AUM is the amount of forage needed by an "animal unit" — defined as a mature 1,000-pound cow and her unweaned calf — in a month.

The bill's current text also does not clearly authorize ranchers to access existing grazing allotments via rights of way or other access points.

Some local ranchers are frustrated.

"I don't really think they need to add any extra crap to us," said Doris Fitzgerald, 83, who has raised cattle with her husband, Joe, in the nearby town of Mitchell since 1956.

Joe Fitzgerald, 88, agreed. "I don't approve," he said. "It's already protected."

Thousands of acres around Sutton Mountain are already protected as Wilderness Study Areas managed by the Bureau of Land Management.

The region has long been a target for further conservation.

In 1996, according to Sara Hottman, Merkley's spokeswoman, the BLM recommended Sutton Mountain for a future wilderness declaration, which Hott-

man said "was not immediately embraced by the community."

Merkley has been working to increase protections since 2014, Hottman said, although the senator's previous bills to create a federal wilderness at Sutton Mountain died in Congress in 2015 and 2019. This latest approach — to designate a national monument — is a new tactic.

According to the bill's text, existing livestock grazing could continue at the monument, but it must be "sustainable grazing" that is "in accordance with applicable federal law" and is approved by the Interior Department secretary. The bill doesn't define "sustainable."

Cooper, of the Oregon Farm Bureau, said previous national monument designations have led to grazing

reductions, such as at Steens Mountain in southern Oregon.

"Ranchers near Steens were made promises that weren't delivered on," said Cooper.

Crook-Wheeler County Farm Bureau President Tim Deboodt said he'd like to see if politicians can name a single national monument designation that hasn't resulted in reduced grazing. He said he can't.

Deboodt said he's also troubled that he first heard of the proposal on the radio Nov. 8 rather than from the senators.

Will Homer, chief operations officer for Painted Hills Natural Beef in nearby Fossil, Ore., also first heard of the plan through the media, when contacted by the Capital Press.

"I was not aware of any-

thing going on over there," he wrote in an email.

Hottman, Merkley's spokeswoman, and Hank Stern, Wyden's spokesman, said both senators held pub-

lic town halls and included in conversations the ranchers who would be directly impacted.

Cooper, of the Farm Bureau, confirmed that

Merkley included key ranchers in conversations, but said that "it sounds like Merkley didn't incorporate enough of their feedback into the proposal."

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