

Federal judge clears barred owl removal study

Experiment intended to gauge impacts on spotted owl

By MATEUSZ PERKOWSKI
Capital Press



Barton Glasser/The Herald
A barred owl is shown in this 2004 file photo.

Killing barred owls to study the potential effects on threatened spotted owls does not violate federal environmental laws, according to a federal judge.

Populations of the northern spotted owl, which is protected under the Endangered Species Act, have continued to decline in recent decades despite strict limits on logging.

Federal scientists believe the problem is partly due to the barred owl, a rival species that's more adaptable, occupies similar habitats and competes for food.

In 2013, the U.S. Fish and Wildlife Service authorized an experiment to remove 3,600

barred owls over four years, typically by shooting them, to see if spotted owl recovery improves.

Friends of Animals and Predator Defense, two animal rights groups, filed a complaint last year accusing the agency of violating the National Environmental Policy Act by failing to evaluate alternatives to lethal removal of barred owls.

They also claimed the Fish and Wildlife Service's study is contrary to the Migratory Bird Treaty Act, under which the U.S. and other countries agreed to protect migratory birds.

U.S. District Judge Ann Aiken has rejected these arguments, finding that the agency wasn't obligated to undertake other "recovery actions" for the spotted owl that didn't call for removal of barred owls.

The agency took a sufficiently "hard look" at the study's effects, including the possibility that it may disrupt an "equilibrium" between the two owl species in some areas, Aiken said.

The experiment also falls within an exception to the Migratory Bird Treaty Act which permits birds to be killed for "scientific research or educational purposes," she said.

From the Fish and Wildlife Service's perspective, the judge's opinion validates the significant amount of time and effort the agency spent studying the issue, said Robin Bown, biologist for the agency.

"I think we made our case," she said. "We feel we did very inclusive work on this."

Undecided about appeal

The plaintiffs are still undecided whether to challenge

'There is no evidence of any environment where spotted owls can outcompete barred owls.'

— Robin Bown
biologist, U.S. Fish and Wildlife Service

Aiken's ruling before the 9th U.S. Circuit Court of Appeals, said Michael Harris, director of Friends of Animals' wildlife law program.

Habitat loss remains the primary culprit for the decline of spotted owls, he said. "The amount of old growth habitat hasn't increased."

Spending millions of dollars by shooting barred owls in the Northwest year after year isn't feasible but it is cruel to the birds, Harris said.

It's possible that the two owl species will find niches and co-exist over time, he said.

Fish and Wildlife officials are rushing to judgment to blame barred owls to escape making tough decisions about forest management, Harris

said. "You're just taking a shortcut by scapegoating the barred owl."

The U.S. Fish and Wildlife Service disagrees with this perspective.

Invaded territory

Biologists initially hoped the two species would be able to occupy different habitats, but the barred owl has consistently invaded the spotted owl's territory since the 1970s, said Bown.

As soon as the barred owl took over riparian areas, it "began marching up the hillsides" to upland territory favored by the spotted owl, she said.

"There is no evidence of any environment where spotted owls can outcompete barred owls," Bown said.

While the removal study costs \$1 million a year, that includes costs related to the scientific analysis, she said.

"When you're doing a study, it costs more than operational activities," she said.

If removal proves effective at protecting spotted owls, other less-costly methods of controlling the barred owl's population growth may become available in the future, Bown said.

So far, 71 barred owls were removed during the first year of the study and 54 were removed during the second year, both at a site in Northern California.

The Fish and Wildlife Service expects the removals to begin in at least two new sites in Oregon and Washington during the autumn of 2015.

Data collected during the first two removal periods is insufficient to indicate whether the removals are helping spotted owls, Bown said. "It's hard to look for a trend with only two points."

Oregon's geology department seeks to define its mission

Official calls it a 'state-subsidized consulting firm'

By HILLARY BORRUD
Capital Bureau

SALEM — It took an article in The New Yorker earlier this month about the likelihood of a catastrophic Northwest earthquake for some Oregonians to discover one of the state's lesser-known agencies, the Oregon Department of Geology and Mineral Industries.

"We've been providing a lot more information to the public in the last couple weeks," said Ali Ryan, a spokeswoman for the agency.

But if The New Yorker article brought home the terrifying events Oregonians would

experience in a Cascadia Subduction Zone earthquake, it's less clear what role state geologists are supposed to have in preparing for it. State lawmakers asked the agency to do some soul-searching about its core functions and priorities, and report back in February.

There is also talk of dissolving the agency and moving its scientists and regulators into a different division of state government.

Tracks geologic risks

The Department of Geology and Mineral Industries tracks tsunami, landslide and other geologic risks and also regulates mining and drilling for oil, gas and geothermal wells in Oregon. At a meeting Friday in Bend, the agency's governing board decided to start a six-month process to identify specific priorities and initiatives it will present in Salem next year.

"This is the fundamental problem, that we do not have an actual mission," interim state geologist and executive director Ian P. Madin told the agency's governing board. "We don't know what the state actually expects us to do ... So what we really need to get from the Legislature, from the governor's office, (is) what is it you really expect this agency to do, other than function as a state-subsidized consulting firm, which is pretty much what we are."

The department receives much of its money from federal grants and specific projects for counties and other local governments. State lawmakers approve matching funds the geologists need to secure specific grants, such as to gather data on historic landslides, but Madin said "they've just given us this mechanism to do whatever we can."

One employee handles Cascadia Subduction Zone

For example, Madin said one employee at the agency handles work related to the Cascadia Subduction Zone and that person works, at most, half time on the subject. "Clearly it is one of the most important issues we deal with," Madin said, but the agency does not have money to devote more time to it because the grants and contracts that pay for many of the geologists are focused on different subjects.

The agency also faces other financial and administrative challenges. It had to get help from accounting employees at other state agencies earlier this year to answer basic financial questions such as how much money it brings in and how much it spends. After the agency discovered a budget shortfall, the Legisla-

ture approved \$800,000 from the state general fund so the department could pay its bills through June.

Agency's future

Former state geologist and executive director Vicki McConnell resigned early this year to take a different job, and the agency is just now beginning the process to hire a permanent replacement.

Lauri Aunan, interim natural resources policy adviser to Gov. Kate Brown, attended Friday's meeting and said Brown had a "quick meeting" a couple weeks ago with governing board chair Larry Givens regarding the geology agency's future.

The governor is focused on "agency turnaround," specifically hiring the next director and getting the agency on firm financial footing, Aunan said.

Givens and Aunan said Brown expressed interest in the

agency working on earthquakes and other natural hazards.

Madin said "everything is on the table" for the future of the agency, but the idea of dissolving the agency has been repeatedly proposed, vetted and rejected over the years.

"Quite frankly, I'm not very interested in the option of breaking the agency up and moving it into other agencies," Madin said.

Lisa Phipps of Tillamook, vice chair of the agency's governing board, said the Department of Geology and Mineral Industries should not be dismantled but the board and employees must present a strong case for lawmakers and the governor to keep it.

"We need to be able to explain to those folks that want to break us up why it isn't better," Phipps said.

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