United States Department of the Interior

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IN REPLY REFER TO:
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MAY 3 0 2012

Paul Beier, Ph.D
President
Society for Conservation Biology
1017 O Street NW
Washington, DC 20001-4229

Dear Dr. Beier:

Thank you for your April 2, 2012, letter regarding the recent publication of a Proposed Revised Critical Habitat Rule for the northern spotted owl. By copy of this letter, I am also responding to the other signatories of your letter. The Department of the Interior appreciates your concerns and offers the following comments for your consideration.

The overall recovery strategy in the 2011 Revised Recovery Plan for the northern spotted owl is derived from the stated purpose of the Endangered Species Act: "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." The strategy contains three basic goals: (1) address the negative impacts of the competing barred owl; (2) protect the remaining older forest habitat from timber harvest and other threats; and (3) use science-based ecological forestry principles to maintain and restore healthy forest ecosystems. This draft critical habitat proposal and the 2011 Revised Recovery Plan upon which it is based represent a significant increase in protections and conservation for the spotted owl compared to previous critical habitat designations and plans, including the Northwest Forest Plan.

Climate Change, Forest Health, and Spotted Owl Recovery

Forest ecosystems in the Pacific Northwest are likely undergoing significant changes due to climate change and past management activities. Impacts from wildfire, insect outbreaks, and forest disease appear to be increasing. Although some researchers disagree on the magnitude of these threats (e.g, Hanson et al. 2009, Baker 2012), our review of the recent scientific literature found that many researchers believe that large changes in fire frequency, severity, and total burned area are indeed underway in the Pacific Northwest and that certain types of active management responses should be considered (e.g., Hessburg et al. 2007; Healy et al. 2008; Heyerdahl et al. 2008; Kennedy and Wimberly 2009; Latta et al. 2010; Littell et al. 2009, 2010; Spies et al. 2010; Syphard et al. 2011, Marlon et al. 2012; Miller et al. 2009, 2012; Perry et al. 2011; Waring et al. 2011; Messier et al. 2012; Jenkins et al. 2012).

The issue of forest health and fire risk (severity, frequency, and scale) in the Pacific Northwest is complex, and there is a wide variety of legitimate scientific viewpoints on forest management in the face of uncertainty. Although some scientists do not believe management intervention is appropriate and advocate a passive (i.e., hands-off) approach to forest ecosystem management, many others believe science-based intervention is necessary to restore and maintain important ecological processes and the species native to these systems, including the spotted owl. This scientific debate of when to apply the precautionary principle in forest management has been ongoing for several decades: What are the consequences of taking action vs. the consequences of not taking action? Ten years ago, eminent fire ecologist James Agee (2002) described these tradeoffs in his essay, "The Fallacy of Passive Management," and he made a cogent scientific argument for targeting fuels and vegetation treatments toward broader ecosystem conservation goals. This recommendation is not new; it was originally made as part of the Northwest Forest Plan in 1994 (Record of Decision, pg. C-12) and remains relevant today (Thomas et al. 2006). A large body of scientific research has since emerged that supports consideration of active forest management for ecosystem conservation, with some it specific to the conservation of spotted owls and other wildlife species (e.g., Lee and Irwin 2005, Lehmkuhl et al. 2007, Lindenmayer et al. 2009, Mitchell et al. 2009, Gaines et al. 2010, Huago et al. 2010, Mealy and Roloff 2010, Halofsky et al. 2011, Roberts et al. 2011, Stephens and Alexander 2011, Syphard et al. 2011, Van de Water and North 2011, Ager et al. 2012, Chandler et al. 2012, Fule et al. 2012, Larson and Churchill 2012, Littell et al. 2012, Messier et al. 2012, Safford et al. 2012).

Your letter, however, is correct that much uncertainty remains, both regarding the variance in many predictions and the potential short term impacts of ecosystem management on local spotted owls. The short term question we face is how best to manage for both the conservation of spotted owls and forest ecosystems in the face of these changes and uncertainty. We share these concerns, and the proposed critical habitat rule addresses this issue in a scientifically reasonable and precautionary manner. We recommend maintaining or restoring more natural fire regimes and forest patterns and managing for landscapes that are resilient to fire and other disturbances, including those projected to occur with climate change (Noss et al. 2006, Hessburg et al. 2007, Schoennagel and Nelson 2011). We recommend that management prescriptions apply the principles of ecological forestry and attempt to manage within the parameters of natural disturbance patterns and ecological processes (e.g., Seymour and Hunter 1999, Franklin et al. 2002, Drever et al. 2006, Long 2009, North and Keeton 2008, Donato et al. 2012). We make a series of recommendations to minimize impacts to spotted owls that may occur, as a result of applying management as described above, there are potential impacts on local spotted owl conservation. Thinning, prescribed fire, let-burn policies, and other tools are part of the overall active management portfolio for land managers to consider for maintaining forest health.

Your letter is also correct in stating that there is not much direct research documenting the specific response of spotted owls to various types of vegetation management. The state of this science to date is described in detail in the 2011 Revised Recovery Plan, which also calls for more research on this important topic (e.g., Recovery Action 11; pages III-11 to III-49). In addition, both the Plan and the revised critical habitat proposal emphasize that conservation of existing spotted owl sites and high quality owl habitat is of primary importance, and we recommend a variety of measures to avoid or minimize any short term impacts to owls such as avoiding core areas and working first in low quality and Matrix forests.

National Environmental Policy Act

In addition to the concerns expressed in your letter regarding active management, you also request that an Environmental Impact Statement (EIS) be prepared under National Environmental Policy Act (NEPA), specifically addressing the active management issue. I can assure you the draft critical habitat proposal is fully compliant with NEPA. Our draft proposal presents an overview of the state of the science on active management and provides only general guidance at the broadest landscape level. More specific plans and decisions concerning active forest management are appropriately made at the land management unit level (e.g., National Forest or Bureau of Land Management (BLM) District). Actions proposed on federal lands must be consistent with the requirements of the Northwest Forest Plan and associated plans, and these plans have already undergone NEPA compliance. Step-down implementation of specific actions such as thinning projects on Forest Service or BLM lands also require NEPA compliance on a case by case basis and usually include an EIS or Environmental Assessment.

Likewise, implementing any actions that modify, amend, or deviate from these plans will also require NEPA compliance. For example, the Oregon State Office of the BLM recently announced on March 9, 2012, their intent to prepare an EIS on proposed changes to their existing Resource Management Plans. The Service is cooperating with this EIS, and it will likely include detailed consideration of various forest management strategies for BLM lands within the range of the owl. A similar process of NEPA compliance is underway for various National Forests as they update or amend their land use plans to apply the latest science to their management decisions.

Using the Best Science for Spotted Owl Conservation

Your letter suggests that the recommendations in our spotted owl recovery strategy may be inconsistent with the Department's policy on scientific integrity, without further clarification. I can assure you this is not the case. The recommendations in the revised recovery plan and the proposed critical habitat revision are based on the best available science, some of which is cited above. In addition, the current critical habitat proposal is a draft, and we have solicited scientific peer review of the proposal from over 40 recognized scientific experts in the fields of wildlife biology, fire ecology, forest ecology, and habitat modeling. This represents an unprecedented call for scientific peer review of critical habitat, but one that we felt was appropriate given the complexity of the issues involved. We have explicitly requested the scientists' perspective on the issues of fire risk and the tradeoffs inherent in decisions involving taking action versus no action, and we will take these comments into consideration prior to finalizing the critical habitat designation. I can provide you with a list of these scientists and their professional affiliation for your consideration. If you have scientists from whom you wish to solicit review on this proposal, please feel free to share the proposal with them and encourage them to provide comment to us during the public comment period.

In conclusion, I want to reiterate that long term forest ecosystem conservation is in the best long term interest of spotted owl recovery, and these two goals must be addressed together. Although there is uncertainty in some of the science on these issues, the Endangered Species Act directs us to use the best available information to make decisions. Our recovery strategy for the spotted owl represents a reasonable and measured application of this science.

Again, thank you for taking the time to express your concerns.

Sincerely,

Robyn Thorson

Regional Director

cc: Paul Krausman, CWB
President
The Wildlife Society

John Faaborg, Ph.D
President
The American Ornithologists' Union

Director, Bureau of Land Management
Director, U.S. Fish and Wildlife Service
Chief, USDA Forest Service
Chair, Council on Environmental Quality
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