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Labor and Lumber Associations Sue US Fish and Wildlife Service Over Illegal Advisory Group Meetings

PORTLAND, OR - A western lumber producers' group has joined the [Carpenters Industrial Council](#) in suing the Department of the Interior and the U.S. Fish and Wildlife Service alleging that the agency conducted secret meetings over the last 2 years as it has worked to rewrite the [2008 northern spotted owl recovery plan](#) and [critical habitat designation](#).

The Carpenters Industrial Council (CIC), a labor group that represents some 10,000 lumber and plywood workers in Oregon, Washington and northern California, filed its lawsuit today in the U.S. District Court for the District of Columbia. The 70-member [American Forest Resource Council](#) (AFRC) joined in the suit.

CIC and AFRC allege that Interior and its Fish and Wildlife Service established two clandestine advisory committees in direct violation of the [Federal Advisory Committee Act](#) (FACA), which requires that such committees be "fairly balanced" in their membership, that they conduct their business in open meetings, and that written records be kept and open to public inspection.

"We regard these misdeeds as serious violations of the public trust," said Tom Partin, AFRC's president. "Given the politically sensitive nature of the original 1990 owl listing decision, you would think that the agency would know better than to conduct the public's business in secret, beyond citizen scrutiny."

The advisory committees in question – both apparently established without FACA- required charter or advance notice – are the Primary Modeling Team and the Modeling Advisory Group. Both were quietly assembled in 2009 by the U.S. Fish and Wildlife Service to provide advice to the agency following a court challenge by CIC and AFRC of the 2008 critical habitat designation.

The two organizations wrote Acting FWS Director Rowan Gould and Interior Secretary Salazar November 10 warning of their intention to sue if the violations of FACA were not remedied. In late December, the agency responded, claiming its designation of the two advisory groups was legal under an [Endangered Species Act](#) exemption granted to species recovery teams. But Partin challenged what he called "an astonishingly broad interpretation of ESA's recovery team provisions. If their interpretation is correct, virtually nothing they do comes under FACA

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scrutiny. This is directly contrary to the Obama Administration's pledge of more openness and transparency in government."

"Even if the two advisory committees do meet the exemption – and in our opinion they don't even come close – you have to ask yourself why on earth a federal agency - short of the one involved in national security--would find it necessary or desirable to conduct the public's business outside the public eye."

"Let's bear in mind the fact that the government's 1990 decision to list the owl as a threatened species cost this region more than 70,000 well-paying jobs," Partin continued. "Moreover, the government is still ignoring its own evidence concerning the role active forest management could play in stabilizing spotted owl populations, especially in dying forests where the risk of catastrophic fire in owl habitat is rising rapidly. Nor is it taking into account the role of the barred owl, an aggressive invasive species that preys on the spotted owl. Whether saving more habitat will do any good for the spotted owl, or will just provide more room for the barred owl to reproduce, is in serious question. There are moral and scientific questions here that demand answers. The answers will not be found in the dark corners of government meetings not being disclosed to the public."

In its claim for injunctive relief, CIC and AFRC ask that the Washington, D.C. court block the Fish and Wildlife Service from citing or using any of the recommendations made by the two illegal advisory committees.