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Lawsuit Filed to Overturn Latest Spotted Owl Critical Habitat

Today, the [American Forest Resource Council](#) joined the Carpenters Industrial Council, Siskiyou County, California, and a group of forest products manufacturers and private forest landowners in a [lawsuit](#) to overturn the latest Northern Spotted Owl critical habitat designation. The case was filed in federal District Court in Washington, D.C., against the Secretary of Interior and the Director of the U.S. Fish and Wildlife Service.

“We just don’t understand why the Fish and Wildlife Service persists in writing rules that hurt the folks living in our rural communities, while doing very little to help the species they are trying to protect,” said AFRC President Tom Partin.

“Habitat is no longer the limiting factor in the owl’s survival. The real threats are barred owls and wildfire. This rule does nothing to address these threats and in fact will make our forests more prone to wildfire.”

The final critical habitat covers 9.29 million acres of mostly federal forest lands and 291,570 acres of State of Oregon lands, nearly double the 5.3 million acres designated in 2008. The proposal will have a significant impact on forest management throughout the range of the northern spotted owl in Oregon, California and Washington.

Of the acres identified in an earlier critical habitat designation in 2008, over 1,160,000 acres (22%) were inexplicably not included this year. The new rule designates 57% (1,270,000 acres) of the Oregon and California Railway Grant lands (O&C lands) managed by the Bureau of Land Management. BLM biologists consider 42% of those designated acres not to be suitable spotted owl habitat.

“Although the new rule implies that ‘active forest management’ will be permitted within the critical habitat boundary, the cost to agencies of consultation and of obstructionist environmental lawsuits make this a hollow promise,” said Partin. “We are already seeing this in a lawsuit filed against a project on the Shasta-Trinity National Forest in California.”

The designation makes it necessary for federal agencies to consult with the FWS before conducting management activities. This will have the effect of further curtailing timber harvest on public lands, with a consequent impact on revenues to counties from public timber sales. The milling infrastructure throughout the West will be negatively impacted by a tightened supply of raw material and an increased cost for what logs are available. This is likely to lead to fewer

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shifts and even more mill closures, eliminating the living wage jobs of mill workers in rural communities.

“Put simply, we expected better from an agency that is required to use the best available science and also balance economic harms when making decisions regarding endangered species. This rule is plainly illegal,” said Partin. “The fact that our filing with the Court exceeds 100 pages tells you how serious and extensive the flaws are and how important it is to get this turned around.”

The rule was published in the [Federal Register](#) on December 4, 2012 and became effective January 3, 2013. AFRC submitted extensive [comments](#) on the draft rule, as well as information from the [National Council for Air and Stream Improvement](#) and [Western Ecosystems Technology, Inc.](#) explaining the deficiencies and flaws in the draft rule. Those deficiencies and flaws were not corrected in the final rule. AFRC is suing to stop violations of the O&C Act, the Forest Land Planning and Management Act, the Endangered Species Act and the National Environmental Policy Act.

The American Forest Resource Council represents forest product manufacturers and landowners throughout the west and is based in Portland, Oregon. www.amforest.org