



United States Department of Agriculture

December 14, 2020

Robert Wallace
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Assistant Secretary Wallace,

Thank you for the opportunity to comment on the proposed rule to revise designated critical habitat for the northern spotted owl (NSO) issued earlier this year.

The NSO was listed as a federally threatened species in 1990 and the U.S. Department of Agriculture (USDA) Forest Service manages over nine million acres of federally designated NSO critical habitat across the Pacific Northwest and Pacific Southwest Regions (WA, OR and CA). This listing and the subsequent critical habitat designations added restrictions to forest management on millions of acres of national forests. The amount of timber harvested from National Forest System lands in these regions plummeted from four billion board feet in 1990, to 687 million in 2020, due to the listing decision. This drop in timber harvest has inevitably led to massive fuel buildup, which in turn, has led to significant catastrophic wildfires that have devastated NSO habitat.

This year's Labor Day wildfires burned approximately 360,000 acres (over 560 square miles) of suitable NSO nesting and roosting habitat in Oregon alone. Of that, about 194,000 acres (over 300 square miles) are no longer considered viable for the birds, according to U.S. Forest Service data. Northern spotted owls occupied an estimated 14,000 territories across the Pacific Northwest in 1993, three years after these protections went into place. Today, it's estimated they occupy just 3,000 territories.

The USDA Forest Service (FS) has taken steps to reduce fire risk in order to maintain critical habitat. For example, in 2016, the FS began planning the Crystal Clear Restoration Project, a 13,271-acre thinning project on Oregon's Mount Hood National Forest to help reduce the high fire threat in fir and pine forests including in NSO habitat. But, the Ninth U.S. Circuit Court of Appeals put a hold on the project in May pursuant to a lawsuit, due in part to the presence of NSO habitat in the project area. On August 17, 2020, a lightning strike ignited a fire that Forest Service officials say burned through about 1,400 acres of the project area. The blaze grew to more than 17,383 acres and was part of a larger outbreak that blackened a million acres in Oregon, and three million in California.

The critical habitat designations for the NSO have unfortunately created challenges in recovery of the NSO. As such, The U.S. Department of Agriculture (USDA) supports efforts to right size the critical habitat footprint for the NSO and supports efforts to responsibly manage forests, where appropriate, to protect the NSO from catastrophic wildfire. USDA would like to work closely with the Department of the Interior (DOI) and the U.S. Fish and Wildlife Service (USFWS) following this rule to ensure essential work can continue. Specifically, we would like to work with DOI and USFWS to create appropriate terms and conditions during subsequent Section 7 consultations to ensure adequate protections for the NSO and continued active management on National Forest System lands to lower the risk of catastrophic wildfire.

The U.S. Department of Agriculture looks forward to continued communication and sharing of data with your office regarding current conditions of NSO habitat.

James E. Hubbard
Under Secretary, Natural Resources and Environment
U. S. Department of Agriculture

cc: Aurelia Skipwith, Director, U.S. Fish and Wildlife Service

Paul Henson, Oregon State Supervisor, U.S. Fish and Wildlife Service