

NORTHERN SPOTTED OWL  
DRAFT RECOVERY PLAN PUBLIC HEARING

TRANSCRIPT OF PUBLIC TESTIMONY

May 30, 2007  
6:30 - 8:30 p.m.

**ORIGINAL**

Oregon Convention Center  
Portland Ballroom  
777 N.E. Martin Luther King Jr. Blvd.  
Portland, Oregon

BEFORE:

MR. ROBERT RUESINK

Presiding Officer, USFWS

MR. DAVE WESLEY

Deputy Regional Director, USFWS, Pacific  
Region, and Leader of Northern Spotted Owl  
Recovery Team

MR. KEMPER McMASTER

Project Leader, USFWS Oregon Field Office

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18:35:06

1 MR. RUESINK: We are on the record.

2 Good evening. On behalf of the United  
3 States Fish and Wildlife Service, I welcome you  
4 to this public meeting on the draft recovery  
5 plan for the northern spotted owl. My name is

18:39:43

6 Robert Ruesink. The last name is spelled  
7 R-U-E-S-I-N-K. I will be serving as the  
8 presiding official for this listening session  
9 this evening. My role is to conduct this

18:40:00

10 session in order that we may receive your  
11 comments accurately. I am not involved in any  
12 decision-making role regarding this issue.

13 Here with me also are the following  
14 representatives from the U.S. Fish and Wildlife  
15 Service:

18:40:14

16 To my left is Dave Wesley. Dave is the  
17 Deputy Regional Director of the Pacific region  
18 and the team leader for the Northern Spotted  
19 Owl Recovery Team;

18:40:27

20 To my right is Kemper McMaster. Kemper is  
21 the State Supervisor for the Oregon Fish and  
22 Wildlife office here in Portland.

23 Outside this meeting room you have seen  
24 written and display materials about the draft  
25 recovery plan as well as staff from the U.S.

18:40:44

18:40:47 1 Fish and Wildlife Service, Forest Service, and  
2 Bureau of Land Management that are available to  
3 assist you and answer any questions that you  
4 may have about that draft recovery plan.

18:40:58 5 At this point I would like to introduce  
6 Dave Wesley, who will give a presentation on  
7 the draft plan. Dave?

8 MR. WESLEY: Thank you, Bob. Everybody  
9 can hear me? I'm going to come down and do it  
10 from down here rather than stand up there.

11 First of all, I want to thank everyone for  
12 coming tonight. What I'm going to do is just  
13 take a few minutes and give you a little bit of  
14 a background on the process and the plan

18:41:23 15 itself, give you some information that will  
16 hopefully -- not everybody's had a chance to  
17 read the entire plan. Some of these plans can  
18 be a little dry, so I'll try to give you a

19 little bit of background about what's involved  
18:41:35 20 with the recovery planning process, what we did  
21 to get to this point, and some of the major  
22 elements of the recovery plan. Then once we're

23 done with that, I'll turn it back over to Bob,  
24 and we'll actually get to the public comment  
18:41:48 25 portion of the meeting.

18:41:49

1 So once again, thank you all for coming.  
2 I appreciate you spending your evening with us  
3 here. I don't know how many of you are here  
4 seeking air conditioning out of the heat, but  
5 hopefully we'll all be able to spend some time  
6 here this evening.

18:41:58

7 Again, this is the critter that we're here  
8 to talk about tonight. It's the northern  
9 spotted owl. And what I want to do is talk a  
10 little bit about the background.

18:42:09

11 First of all, the species was listed in  
12 1990 as a threatened species under the  
13 Endangered Species Act. There was also an  
14 Interagency Scientific Committee that was  
15 formed in 1990 to look at the science behind  
16 what was involved in protecting and making sure  
17 that the spotted owl could be recovered.

18:42:21

18 In 1992 the Fish and Wildlife Service  
19 designated critical habitat for the northern  
20 spotted owl. In 1992 there was a draft  
21 recovery plan that was put together by another  
22 group. That plan was naturally never  
23 finalized.

18:42:36

24 In 1994 there was -- the Northwest Forest  
25 Plan was completed, and much of what was in the

18:42:49

18:42:54

1 Northwest Forest Plan, some of the stuff in  
2 there was designed for the recovery of the owl,  
3 but the Northwest Forest Plan was a much  
4 broader plan. It had to do with salmon,

18:43:05

5 murrelets, many of the other larger species and  
6 hundreds of the other species under management  
7 survey. So the Forest Plan was a larger,  
8 broader document that included much more than  
9 just the northern spotted owl.

18:43:16

10 And in 2004 part of our requirement of the  
11 Endangered Species Act is for the Fish and  
12 Wildlife Service to conduct five-year reviews  
13 to see if the status of the species has changed  
14 or whether it should be changed or what new

18:43:30

15 information is available. We did a contract  
16 with a private consulting firm, and in 2004  
17 they did a summary of the status of the bird.  
18 And what was nice about that is they took all  
19 of the science from 1992 up to 2004 and

18:43:44

20 summarized it for us.

18:43:55

21 So we had a great summary of the  
22 information that was available to us, not only  
23 from some of these earlier documents, but as  
24 recent as 2004. So we had that wealth of  
25 information for us to start from.

18:44:01

1           What is in a recovery plan? A recovery  
2 plan is basically a road map, and it's a design  
3 that helps folks that are interested in  
4 recovering the owl look at what is necessary.

18:44:11

5 There's four major components:

6           First of all, there's strategy. What is  
7 it that we should do to be able to recover the  
8 owl?

18:44:22

9           There are specific objectives. It talks  
10 about population. It talks about numbers. It  
11 talks about habitats. It talks about threats  
12 and things of that nature.

18:44:31

13           There are specific measurable criteria.  
14 One of the things that a recovery plan is  
15 essential to do is to establish some very  
16 measurable criteria that we would know when the  
17 species is eligible for delisting. So you  
18 can't just talk about it increasing or this and  
19 that and the other thing; you need to come up

18:44:44

20 with specific, measurable criteria that we were  
21 able to -- be able to enumerate so that a team,  
22 hopefully a team in the future, when the owl  
23 gets to a point where it is recovered, can look  
24 at those criteria that we established and see

18:44:56

25 if it's there to be able to be delisted.

18:44:58

1           So the last thing is specific recovery  
2 actions. The plan looks at what needs to be  
3 done. And I'll spend a few minutes talking  
4 about that in a little bit.

18:45:08

5           One thing I want to make sure that  
6 everybody understands is that the recovery plan  
7 is advisory in nature. It's not a regulation.  
8 It's not a regulatory document. It doesn't  
9 have any full force and effect of law like a  
10 listing package or a critical habitat

18:45:20

11 determination. It is an advisory document for  
12 both federal agencies, state agencies, folks  
13 that are involved in owl recovery. What is it  
14 that would be necessary? What's that road map  
15 that's necessary for recovery?

18:45:32

16           So how did we get to where we are? What  
17 was our time line? In the spring of 2006, we  
18 started -- we appointed a recovery team. The  
19 recovery team deliberated over the summer and  
20 over some of the fall, and we delivered a plan  
21 to the Washington office by 2006 and the end of  
22 September. That was the original target that  
23 we were asked to do.

18:45:49

18:46:02

24           That revision -- or that plan was looked  
25 at, and they were -- asked for us to look at

18:46:05

1 some revision from some folks in Washington.  
2 They asked us to come up with another option  
3 that we had. Initially we had an option one  
4 only. And I'll describe those in a little bit,

18:46:14

5 but we did prepare a second option at the  
6 request of some folks in Washington that looked  
7 at ways -- they wanted us to see if we could  
8 expand a way -- we could do recovery in a  
9 little different way. So we did do that

18:46:27

10 revision. April 26 of 2007 we actually  
11 released the draft recovery plan.

12 We're currently in the 60-day comment  
13 period. It's normal for us to provide a  
14 comment period for folks to be able to give a  
15 comment during the 60 days. I know there has  
16 been a significant amount of interest in  
17 extending that because the plan is long. We  
18 have gotten a request and we are in the process  
19 of processing that request to make that  
20 extension.

18:46:53

21 I want to encourage you, if you do have  
22 comments, to try to get them to us by June  
23 25th. But all the indications I have right now  
24 are we are going to be successful in requesting  
25 the extension, and that extension will go to

18:47:01

18:47:03

1 August 24th. That will give a full 120 days.  
2 So I don't have the final approval to be able  
3 to tell you tonight, but I'm pretty sure. But  
4 I would encourage you, if you do have written

18:47:12

5 comments, to provide them and get them to us by  
6 June 24th.

7 We did commit -- the law doesn't require  
8 us to have public meetings. They do require us  
9 to have them for listings, but not for recovery  
10 plans. But we felt it was important to be able

18:47:24

11 to provide this opportunity for the public to  
12 go out and do that. So we committed to  
13 conducting a public meeting in each of the  
14 three states. In fact, we've done two here.

18:47:34

15 This is the second one in Oregon. We did two  
16 last week: One in Roseburg and one in Redding,  
17 California. And we'll do the same thing  
18 tomorrow night up in Lacey, a suburb of  
19 Olympia, Washington. So we will commit to do

18:47:46

20 the four recovery -- public meetings.

21 And our goal is to have this plan  
22 finalized one year from the date from which the  
23 draft was originally published, or in April of  
24 next year.

18:48:01

25 Let's talk a little bit about the team.

18:48:03

1 We did appoint, as I said, a recovery team to  
2 do this. The recovery team provided advice.

3 Let me make it clear that the document that's  
4 been circulated is a service document. We

18:48:11

5 really worked -- tried very hard to get  
6 consensus everywhere, but we were not able to  
7 do that in some of the issues.

8 So it is a service document, and we think  
9 it certainly benefited from the dialogue and

18:48:24

10 the interchange among the recovery team  
11 members, but it is a service document.

12 We did have 12 members on the recovery  
13 team. The five federal agencies that are  
14 involved in land management in the Northwest.

18:48:35

15 The Fish and Wildlife Service, the National  
16 Park Service, the Bureau of Land Management,  
17 the Bureau of Indian Affairs, and the Forest  
18 Service are the five federal members of the  
19 team.

18:48:46

20 We had a representative from each of the  
21 three states. We wrote the governors of the  
22 state and asked them to provide us the names  
23 that they would like, whether that was from  
24 their game commission or the forestry

18:48:58

25 commission. So we did have members from the

18:49:00

1 three states.

2 We did have members from -- I'll get down  
3 to there -- from the timber industry. We had  
4 two members from the timber industry that were

18:49:09

5 on the recovery team, and we also had two  
6 members from the conservation community.

7 So there were 12 members. They were  
8 selected in accordance with our policy to be  
9 able to do that. And so that's the team.

18:49:21

10 And we deliberated for almost 30 different  
11 times. Many of those times we met in person  
12 for two and three days at a time. Other times  
13 we did have conference calls where we got  
14 together, and we had extensive conference calls

18:49:34

15 to go over information and ideas and concepts  
16 that we worked on.

17 We also did conduct three different  
18 scientific panels and manager panels. We  
19 wanted to get the input from the scientists,  
20 that we wanted to try to base this on the best  
21 available science and the most current science.  
22 So we did have panels that were scientists that  
23 helped us identify the threats and the actions  
24 and the criteria that needed to be done.

18:49:58

25 Again, we were building from the existing

18:50:00

1 framework from the 1992 draft and from the  
2 Northwest Forest Plan. And time and time again  
3 it came up with the notion of large blocks of  
4 habitat for reserves for the owl was something  
5 that was very important. So we looked at that  
6 and tried to keep that as a concept throughout  
7 both option one and option two. And I'll  
8 describe those here in a minute.

18:50:12

9 And we did commit to doing peer review.

18:50:25

10 Some of the portions, primarily the biological  
11 background now, has been peer-reviewed by the  
12 scientists that were most involved in the  
13 biology, but we also will be doing peer review.  
14 We're in the process of doing that. We

18:50:37

15 committed to doing that during the development  
16 of the recovery plan, and I'll describe that  
17 also in another minute. There's another slide  
18 on that.

18:50:46

19 So what are the objectives of this plan?  
20 It's pretty much the kind of things that you  
21 see in other recovery plans, where, first of  
22 all, you're talking about populations. You got  
23 to have sufficient numbers of the northern  
24 spotted owl, and those populations need to be  
25 well distributed throughout the range.

18:50:56

18:50:58

1           So, first of all, you've got to have the  
2 populations. Second of all, you've got to have  
3 the habitat that will support them. Much has  
4 been made about the barred owl, and I'll talk  
5 about that in a minute, but we don't want to

18:51:07

6 lose sight of the fact that habitat is  
7 critically important. And we need to make sure  
8 that we got the habitat and adequate habitat  
9 protected to protect recovery of the owl.

18:51:18

10           And, third of all, we have to look at the  
11 threats. What are the threats that are  
12 affecting the owl and what are the things that  
13 we need to address that will reduce those  
14 threats and minimize the impact those threats  
15 are having on the owl so that we can eliminate  
16 them in the foreseeable future?

18:51:28

17           One of the things in this recovery plan  
18 that's highlighted that hasn't been highlighted  
19 in the past is the impact that the barred owl  
20 has had on the northern spotted owl. It was  
21 identified through the scientific panels as the  
22 threat that was the largest that we had at this  
23 time. There's a recovery plan -- there's a  
24 recovery plan portion of the plan that has  
25 priorities assigned to the recovery actions.

18:51:55

18:51:57

1           The actions associated with the barred owl  
2           were the only ones that received priority one,  
3           which means those actions necessary to

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4           eliminate the likelihood that the bird could go  
5           extinct. So the actions associated with barred  
6           owl were our number one priority. Habitat of  
7           course continues to be important, but the

18:52:21

8           barred owl was number one. Habitat loss and  
9           adverse modification, as this says, continue to  
10          be a problem, but we also wanted to deal with  
11          that.

18:52:32

12                 Specifically, the barred owl, I mean  
13                 there's been a lot of information about barred  
14                 owls and the impact that they have, and one of  
15                 the recommendations that we have in the  
16                 recovery plan is to form a working group of  
17                 scientists and managers that will help us to  
18                 inform us of the kinds of research that needs  
19                 to be done and the kind of management that

18:52:44

20                 needs to be done, where any of these kinds of  
21                 actions should be taken, how often they should  
22                 be taken, when they should be done, and so on  
23                 and so forth, so we can get a handle on what's  
24                 happening with regard to the barred owl.

18:52:55

25                 Clearly we need to do some research. We

18:52:57 1 need to make sure we understand what it is  
2 we're proposing to recommend and that it's  
3 scientifically sound and credible before we  
4 would go forward with it.

18:53:06 5 There is some recommendation in the plan  
6 for some experimental removal of owls. There's  
7 some preliminary indication in Appendix G, if  
8 you've had a chance to read it. It talks about  
9 at least one study that we know of where they  
10 have removed owls, and the response from  
11 spotted owls that were in the area is  
12 significant, and the owls have come back. So  
13 it's an important element that we think is  
14 critical for us to work on to ensure that the  
18:53:17 owl is recovered.

18:53:29 15 owl is recovered.

16 So now you look at populations, threats,  
17 and numbers. Now we get to habitat. Clearly  
18 one of the most important things is to be able  
19 to maintain habitat, and this recovery plan  
18:53:43 20 talks about two different options on how you  
21 would protect those habitat. Option one was  
22 the one that was originally prepared by the  
23 recovery team, and it falls pretty much on the  
24 previous kinds of stuff that was done:

18:53:56 25 Establish reserves. If you looked at the maps

18:53:59

1 at the entrance when you came in, option one is  
2 fixed reserves. There's lines on the map, you  
3 know where those lines are, and they're  
4 fairly -- they're clearly articulated and

18:54:09

5 delineated.

6 These outlined areas are called managed  
7 owl conservation areas. Everybody has to have  
8 an acronym. If you're familiar with the  
9 literature, you've heard about DCAs, designated

18:54:20

10 conservation areas. This is a DCA, a  
11 conservation area. This is essentially an  
12 evolution of that concept where we're talking  
13 about managed owl conservation areas, where we  
14 would have, like I said, fixed reserves with  
15 lines established on a map.

18:54:30

16 The MOCAs in the option one total about  
17 7.7 million acres. So it's a sizable amount of  
18 habitat that's set aside. Under option two, it  
19 also recognizes the need for habitat blocks,  
20 for large habitat blocks, but it doesn't  
21 specifically prescribe where those habitat  
22 blocks are.

18:54:48

23 In our review of the literature and of our  
24 science, we looked at how large a block of  
25 habitat needed to be available to support 20

18:55:00

18:55:03 1 pairs of owls? How many did they need to be?  
2 How far apart should they be? So in doing that  
3 analysis, we developed a rule set. So option  
4 two provides a set of rules for land managers  
18:55:16 5 to use to establish these reserves on the  
6 ground.

7 So these areas would be established. It  
8 would be clearly articulated where they were,  
9 but they would differ from the first option in  
18:55:29 10 that they aren't prescribed by the recovery  
11 plan, but left to local managers who perhaps  
12 know the land better and know where the owls  
13 are a little bit better than we might know  
14 through our work. And it's a recommendation  
18:55:40 15 that this rule set be used to guide how those  
16 particular habitat blocks are established.

17 If you look at how those blocks are  
18 established and where they're established, you  
19 actually could have more or less land than  
18:55:52 20 associated with option one. It's possible that  
21 you could get more, depending upon where you  
22 start, how many different of those blocks you  
23 put, and how often you followed the rule set.

24 But in order to have a comparison, it's  
18:56:04 25 difficult for folks to try to grasp that

18:56:07

1 concept, so without doing it, what we  
2 encouraged the recovery team to do through a  
3 support group that we had was to look at how  
4 would you put that on the ground? What would

18:56:15

5 it look like? So we wanted to provide an  
6 example of what it would look like on the  
7 ground.

18:56:24

8 So option two that's in the recovery plan  
9 is just an example. It's not necessarily how  
10 it would look on the ground, but it's taking  
11 those concepts, taking that rule set, and  
12 putting it on the ground so that you could see  
13 visually what it would look like following that  
14 rule set.

18:56:35

15 And in the example that's in the plan,  
16 it's just under 7 million acres. So that's the  
17 total amount of land that's established under  
18 option two. And again, as I said, it's  
19 strictly an example.

18:56:47

20 It's important to recommend -- realize  
21 that under both those options, both option one  
22 and option two, much of the recovery plan is  
23 the same. They specifically talk about  
24 establishing the MOCAs or the habitat blocks in

18:57:02

25 ten of the twelve provinces that the owl

18:57:04 1 occurs. It does include less land than the  
2 Northwest Forest Plan places in reserves, but  
3 there are other areas.

4 The Northwest Forest Plan, again, as I  
18:57:13 5 said, you talk about many more species, but  
6 just because it has less land in the reserves  
7 doesn't mean that it's less protected. The  
8 MOCAs contain only federal land and only about  
9 1 percent in the matrix lands.

10 So what are the specific criteria that we  
11 would know when we get to the -- to be able to  
12 delist the species? First of all, it would be  
13 a stable or increasing population. One of the  
14 frequent questions that I get is, how many owls  
18:57:41 15 do we need? Well, trying to determine the  
16 exact number of owls is a very expensive and  
17 very difficult thing, so what we looked at is  
18 establishing a trend. Can we establish a  
19 stable or increasing trend over a ten-year  
18:57:55 20 period?

21 Is that population well distributed? It's  
22 important that we don't have those owls  
23 concentrated in just a couple of the provinces,  
24 but they, in fact, be well distributed  
18:58:04 25 throughout the historic range of the bird; that

18:58:07

1 there is sufficient habitat that's protected in  
2 these conservation areas, be it in MOCAs or be  
3 it in some habitat block under option two; that  
4 the threats from the barred owl are

18:58:18

5 specifically managed; and three, that  
6 monitoring is established.

18:58:30

7 One of the criteria of the Endangered  
8 Species Act is to ensure that a monitoring  
9 system is in place when you delist any species  
10 to make sure you can continue to keep your  
11 finger on the pulse of the species, to make  
12 sure it's not necessary for relisting the  
13 species.

18:58:40

14 It's important to recognize that in both  
15 of those options this recovery plan identifies  
16 37 specific actions that are necessary for the  
17 recovery of the species. Those actions fall  
18 into four basic categories:

18:58:54

19 First of all, management actions. What  
20 kind of actions would land managers do? How  
21 would they manage for breakthroughs in stands  
22 or how would they manage for after a fire?  
23 Those kind of management actions.

18:59:06

24 The second would be research actions. Are  
25 there particular research needs that need to be

18:59:09

1 identified to be able to further inform  
2 managers about what actions need to be taken?

3 There are regulatory actions. Certainly  
4 in this day and age it's important to look at:

18:59:22

5 Are there revisions or modifications or perhaps  
6 new regulations that need to be developed to  
7 ensure that the owl is protected and the  
8 recovery is ensured?

9 And last, again, monitoring actions. You  
10 got to be able to monitor what's going on as a  
11 result of these multiple actions.

18:59:34

12 So how long will this take and about how  
13 much money? The recovery plan anticipates  
14 that, if all of the actions were implemented  
15 and fully implemented, it could be done in as  
16 few as 30 years and an estimate is about just  
17 under \$200 million.

18:59:49

18 One of the things that we committed to as  
19 a team and as a service through the beginning  
20 was to have peer review. It was important for  
21 us to make sure that the scientists have an  
22 opportunity to provide that. So we're doing  
23 two different approaches to peer review, two  
24 different processes.

19:00:04

19:00:14

25 First of all, we have contracted with two

19:00:17

1 professional societies to conduct reviews of  
2 the science and the actual plan itself. We're  
3 using the Society of Conservation Biology and  
4 the American Ornithological Union. Those

19:00:28

5 contracts were issued right as soon as the plan  
6 was basically out, and we hope to have that  
7 information back. Each of those societies will  
8 be providing us with two separate reviews, so  
9 we'll have a total of four reviews from there.

19:00:42

10 And also during the development of the  
11 recovery plan, we used a lot of information  
12 from scientists. Some of it is new information  
13 that we recognized and put caveats in the plan  
14 about, but we've directed questionnaires to  
15 those scientists and asked them to ensure that  
16 we've used the science correctly. Have we  
17 interpreted it correctly, or do they have other  
18 comments that they'd like to make?

19:00:59

19 So we're anxious to get those reviews  
20 back, and hopefully that will inform us as we  
21 go to developing the final plan, as well as  
22 certainly all the comments from tonight and  
23 other public meetings that we've had.

19:01:10

24 So, next steps. Basically just a summary

19:01:22

25 of sort of where I started out with. The draft

19:01:25 1 was published last month. And we're conducting  
2 these public meetings. Again, like I said,  
3 we've got two in Oregon, one in California, and  
4 tomorrow night in Washington.

19:01:39 5 The peer review is under way. We hope to  
6 have that completed. The contract indicated we  
7 should have that in to us by the 25th of June.  
8 And again, we hope to finalize the plan by  
9 April of 2008.

19:01:50 10 If you got a comment card, there's  
11 information on the comment card as to where you  
12 can send your comments. If you didn't pick up  
13 that card, there's a little card out on the  
14 table. Be sure to get that, but it contains  
19:02:01 15 this information. Bob's going to give you that  
16 information again. But it's important to be  
17 able to make sure that you get us that  
18 information, because we are truly interested in  
19 hearing everyone's comments.

19:02:11 20 So with that, I'll turn the meeting back  
21 over to Bob. Thank you.

22 MR. RUESINK: Thank you, Dave.

23 Notice of this public meeting was  
24 published in the Federal Register on April 26,  
19:02:26 25 2007, beginning on page 20865. As Dave

19:02:33

1 mentioned, currently the public comment period  
2 on this draft recovery plan ends at the close  
3 of business on Monday, June 25th, 2007. All  
4 comments must be received by that time. Notice

19:02:48

5 will be given if the comment period is  
6 extended.

19:03:00

7 After review and consideration of your  
8 comments and all other information gathered  
9 during this comment period, the Fish and  
10 Wildlife Service will publish a final recovery  
11 plan.

19:03:14

12 The purposes of this session are twofold:  
13 One, to provide information on the draft  
14 recovery plan; and, two, to receive your  
15 comments. Comments on all aspects of the draft  
16 plan are very important and will be carefully  
17 considered. Because of the importance of your  
18 comments, it is necessary that we follow  
19 certain procedures here this evening.

19:03:28

20 If you want to present oral comments at  
21 this session, please register at the table  
22 outside the room. When you register, indicate  
23 any agency or organization that you are  
24 representing in your comments. When you're

19:03:45

25 called to present your comments, please come

19:03:47 1 forward to a microphone in front. Begin your  
2 presentation by stating your full name, spell  
3 it, and indicate if you are representing an  
4 agency or organization.

19:03:59 5 If you're reading comments, please take  
6 care to read them slowly and clearly enough for  
7 the court reporter to understand and accurately  
8 transcribe them for the record. And I should  
9 have mentioned we do have a court reporter here  
19:04:14 10 this evening to get all of your comments and  
11 statements down as accurately as possible for  
12 the record that will be examined before  
13 finalizing this recovery plan.

14 Also, if you do have a copy, I'm sure that  
19:04:30 15 the reporter would appreciate a copy of your  
16 comments that you present here this evening.

17 This is an informal meeting. You will not  
18 be questioned in connection with your comments.  
19 Your comments or questions, again, are being  
19:04:48 20 recorded by the reporter to preserve them for  
21 the record.

22 We presume that any comment -- any  
23 questions that you raise in your comments are  
24 for the record, and the Fish and Wildlife  
19:05:01 25 Service's formal response to questions and

19:05:04

1 issues raised during the comment period,  
2 including at this hearing, will be published in  
3 the final notice for the recovery plan. We  
4 will not respond to questions that are posed in  
5 your comments.

19:05:17

6 Keep in mind that the reporter will not  
7 record any statements that are made from the  
8 audience or statements that are made to the  
9 audience. Comments need to be made into the  
10 microphone, facing the front of the room.

19:05:33

11 We have several displays outside the room,  
12 as previously mentioned, and also staff members  
13 there that are available to answer questions or  
14 address any concerns or comments that you may  
15 have about the draft recovery plan. Please  
16 feel free to go back and forth, though I would  
17 ask that you be considerate of the speakers and  
18 the recorder when you're leaving and when  
19 you're coming back into this room.

19:05:52

19:06:08

20 Instead of presenting oral comments here  
21 this evening, or in addition to oral comments,  
22 you may submit comments in writing. Written  
23 comments may be submitted to the staff at the  
24 registration table or they may be mailed to the  
25 Fish and Wildlife Service. That address is

19:06:22

19:06:25 1 available on the card that Dave previously  
2 referred to. These cards are available outside  
3 the room at the registration table.

4 You may also submit comments by fax, by  
19:06:41 5 courier, e-mail, or over the Internet. And  
6 again, details of how you do that with those  
7 different methods are available on the card.  
8 Please pick one up at the information table.

9 Written comments are given the same  
19:06:58 10 consideration as any oral comments that we  
11 receive here this evening.

12 A number of people have indicated they do  
13 wish to present comments, and so I would ask  
14 speakers that they try to hold their statements  
19:07:12 15 or their comments to about four minutes. That  
16 may make it necessary for you to summarize your  
17 comments here this evening and then submit the  
18 complete version in writing sometime following  
19 this meeting.

19:07:31 20 At this point we are ready for our first  
21 speaker. Mr. Bob Sallinger, would you come to  
22 the microphone, state your name, spell for it  
23 the record, and indicate if you are  
24 representing an organization or an agency.

19:07:48 25 MR. SALLINGER: Good evening. My name is

19:07:50

1 Bob Sallinger, S-A-L-L-I-N-G-E-R. I'm  
2 conservation director for the Audubon Society  
3 of Portland. Portland Audubon has been working  
4 on spotted owl issues since the mid 1980s. I'm

19:08:02

5 here tonight to testify on behalf of our 10,000  
6 members in the Portland metropolitan area.

19:08:16

7 It has been nearly three decades since the  
8 Supreme Court determined in TVA v. Hill that  
9 the plain language in the Endangered Species  
10 Act shows clearly that Congress viewed the  
11 value of endangered species as incalculable.

19:08:26

12 The court wrote that Congress has spoken in the  
13 plainest of words, making it abundantly clear  
14 that the balance has been struck in favor of  
15 affording endangered species the highest of  
16 priorities, thereby adopting a policy described  
17 as, quote, "institutionalized caution,"  
18 unquote.

19:08:36

19 Today we have before us a recovery plan  
20 that ignores that mandate, that substitutes  
21 political manipulation for sound science, that  
22 minimizes the most urgent threats facing the  
23 owl in favor of expedient scapegoats, which  
24 further imperils the species, which continues

19:08:50

25 to see declines throughout its historic range.

19:08:52 1 If adopted, this plan would jeopardize not only  
2 the spotted owl but also the old-growth  
3 ecosystems on which they depend and, with them,  
4 a host of other fish and wildlife species,  
19:09:02 5 clean water, and a natural legacy that is the  
6 birthright of future generations.

7 We oppose both option one and option two  
8 in the draft recovery plan for several reasons:

9 First, development of the recovery plan  
19:09:15 10 was derailed by political interference. The  
11 science-based recommendations of the recovery  
12 team that was assembled to develop the plan  
13 were replaced by new and different  
14 recommendations developed by high-level  
19:09:25 15 political appointees.

16 Second, the plan ignores overwhelming  
17 science and plain common sense in describing  
18 the barred owl as the only issue given highest  
19 priority in the plan. The spotted owl was  
19:09:36 20 listed under the ESA and continues to see  
21 population declines specifically because of  
22 widespread loss and adverse modification of  
23 suitable habitat. Competition from barred owls  
24 may well need to be addressed on an interim  
19:09:49 25 basis until spotted owl populations can be

19:09:51

1 returned to health, but unless critical habitat  
2 needs are adequately addressed, barred owl  
3 control will be nothing more than a sad and  
4 pathetic footnote on the road to spotted owl  
5 extinction.

19:10:02

6 Third, both options one and two reduce  
7 existing habitat protection for spotted owls.  
8 Option one has been estimated to reduce  
9 protections for existing spotted owl habitat by

19:10:12

10 up to 27 percent. Option two would reduce  
11 these protections even further and rely upon a  
12 shifting mosaic approach that -- creating  
13 uncertainty and leaving specific habitat  
14 protections to vagaries of the national forests  
15 and BLM, the very agencies that led to spotted  
16 owl declines in the first place.

19:10:29

17 At a time when spotted owl populations in  
18 Washington are declining at a rate of 7 percent  
19 a year and populations in British Columbia may  
20 be nearing extinction, reducing habitat  
21 protections is not a recipe for recovery; it's  
22 a recipe for disaster.

19:10:40

23 We urge you to reject both option one and  
24 option two. We urge you to maintain the  
25 current protections that are in place for

19:10:52

19:10:54

1 spotted owls until the recovery plan can be  
2 redone based upon the best available science  
3 and through a process that is free from  
4 political manipulation. We urge you to adopt

19:11:02

5 the type of institutionalized caution that is  
6 mandated under the Endangered Species Act to  
7 ensure that future generations inherit a world  
8 that retains old-growth forests and the species  
9 which depend on them.

19:11:13

10 Thank you for your consideration of these  
11 comments.

12 MR. RUESINK: Thank you, Mr. Sallinger.

13 Our next speaker is Christine Caurant.

14 MS. CAURANT: Hi. My name is Christine

19:11:29

15 Caurant. I work for Oregon Wild. I'm the  
16 wildlands advocate there.

17 MR. RUESINK: Excuse me. Would you spell  
18 your name for the record, please.

19 MS. CAURANT: I'm sorry. Caurant,

19:11:38

20 C-A-U-R-A-N-T. My first name is Christine,

21 C-H-R-I-S-T-I-N-E.

22 MR. RUESINK: Thank you.

23 MS. CAURANT: You're welcome.

24 So the reason for these new recovery plans

19:11:48

25 is that the spotted owl is still in decline,

19:11:49

1 yet this plan does little to address the needs  
2 of the spotted owl to recover from its downward  
3 spiral towards extinction. Your proposed plans  
4 are inadequate for spotted owl recovery for the

19:12:02

5 following reasons:

6 The recovery plan developed -- excuse me.  
7 The recovery plan development process has been  
8 influenced by political pressure from  
9 administration appointees in Washington, D.C.

19:12:17

10 This influence has resulted in plans that, one,  
11 promote fewer protections for owl habitat than  
12 the Northwest Forest Plan, a plan that was  
13 initiated when spotted owls were in better  
14 shape than they are today. This is

19:12:32

15 unacceptable because the spotted owl faces new  
16 threats such as climate change and the barred  
17 owl.

19:12:45

18 The spotted owl is losing access to some  
19 of its habitat due to forest fires and barred  
20 owls, so the spotted owl needs more habitat  
21 protection, not less. If your goal is to  
22 return the spotted owl to healthy population  
23 levels, then please start over and include more  
24 protections for spotted owl habitat and

19:13:00

25 restoration of habitat loss due to logging of

19:13:05

1 old-growth forests.

2 The influence of administration appointees  
3 has also resulted in plans that deemphasize the  
4 role of habitat. This is misleading. The

19:13:16

5 barred owl is a factor in the decline of  
6 spotted owls. However, with more and larger  
7 habitat reserves, the spotted owl and barred  
8 owl may coexist. This plan should not shrink  
9 reserves and make the impacts of barred owls

19:13:28

10 greater.

11 This influence has also resulted in plans  
12 that do not limit logging in suitable habitat.  
13 There is no scientific evidence that logging in  
14 habitat suitable for spotted owls is actually

19:13:42

15 beneficial to them. What is scientifically  
16 understood is that spotted owls -- spotted owls  
17 prefer old-growth forests with high canopy  
18 enclosure and complex structure, including  
19 downed logs and snags. Logging always

19:13:58

20 simplifies the habitat, thus making it less  
21 suitable for owls.

22 Through its intervention in this process,  
23 the Bush administration is trying to roll back  
24 the clock and put logging before conservation.

19:14:11

25 As written thus far, it appears the goal of

19:14:14

1 this effort is not the recovery of owls but,  
2 rather, to open up the remaining old-growth  
3 forests in the Pacific Northwest to logging.

19:14:26

4 This would do more than harm owls; it also puts  
5 important values like salmon and clean water at  
6 risk.

19:14:40

7 The recovery team should strongly oppose  
8 political interference, and the owl recovery  
9 process does not have to be adversarial and  
10 politically tainted. Owl recovery can result  
11 in a win-win for both owls and people if the  
12 government would adopt a plan that protects all  
13 remaining mature and old-growth forests while  
14 shifting logging to thinning of dense  
15 plantations.

19:14:55

16 Thank you.

17 MR. RUESINK: Thank you.

18 Marianne Nelson, you're our next speaker.

19 MS. NELSON: M-A-R-I-A-N-N-E, N-E-L-S-O-N.

19:15:08

20 I find it hard to believe that I'm  
21 standing here speaking to you tonight. Saving  
22 the northern spotted owl has been a complex  
23 issue with much emotion on both sides, but as a  
24 resident of the Pacific Northwest, I wanted to

19:15:20

25 understand the issue, so I read the draft

19:15:24 1 recovery plan for myself. But I only got as  
2 far as the executive summary before I was  
3 appalled. I found it hard to believe what I  
4 was reading, and I decided I had to speak out  
19:15:35 5 as a citizen.

6 It states the most important threat  
7 currently facing the spotted owl is competition  
8 from the barred owl. Actions associated with  
9 addressing the barred owl threat were the only  
10 ones given the highest priority in this plan.

11 Pardon me? You could completely  
12 exterminate the barred owl and, if there were  
13 not suitable habitat for the spotted owl, it  
14 could not survive. Suitable habitat has to be  
15 the highest priority. How on Earth could  
16 competition from barred owls become the highest  
17 priority in the plan? What did the stakeholder  
18 recovery team recommend?

19 Then I discovered that the recovery plan  
20 reverses the conclusions of the recovery team,  
21 which did recommend making habitat protection  
22 the top priority. A Washington oversight  
23 committee rejected their draft? This is foul  
24 play in America. There should not be political  
19:16:34 25 interference in science investigation.

19:16:37

1           There are two options, but the problem is  
2           that both options reduce spotted owl habitat  
3           protections below the level set in the landmark  
4           Northwest Forest Plan adopted in 1994. So if  
5           either of these were adopted, it would be a  
6           step backward. I ask you, how can a step  
7           backward be a recovery plan?

19:16:50

8           Both of these option should be rejected.  
9           The 1994 protections should be retained until a  
10          new recovery plan can be developed that is not  
11          tainted by political interference.

19:17:05

12          Unfortunately, the approach of the  
13          recovery plan is similar to the U.S.  
14          government's previous stance on global warming.  
15          It denied all the science, looking only at  
16          political objectives, until so many scientists  
17          spoke out the truth that science could no  
18          longer be denied. Science should not be  
19          manipulated for special interests.

19:17:18

19:17:31

20          The barred owl issue is just a red herring  
21          to distract us from the science of the real  
22          issue, a very hard issue we don't want to face.  
23          Old-growth forests are what the spotted owl  
24          needs to survive. And ancient forests are not  
25          just beneficial to the spotted owl; they

19:17:49

19:17:51 1 provide us with clean water, healthy salmon,  
2 and wildlife populations, open space, and  
3 recreation for us as citizens of the United  
4 States. This is the issue that needs to be the  
19:18:03 5 focus.

6 I ask you to go back to the drawing board,  
7 start over, and address this very hard issue.  
8 Thank you.

9 MR. RUESINK: Thank you, Ms. Nelson.

19:18:15 10 Carol Chandler?

11 MS. CHANDLER: I just registered because I  
12 thought they needed to know I was there.

13 MR. RUESINK: Okay. I'll set your card  
14 aside. We'll give you a chance later on if you  
19:18:30 15 change your mind. Okay. Thank you.

16 Ryan Hunter?

17 MR. HUNTER: My name is Ryan Hunter,  
18 H-U-N-T-E-R. I am the program director for the  
19 Gifford Pinchot Task Force. We're a nonprofit  
19:18:47 20 organization that focuses on southwest

21 Washington. We have approximately 3,000  
22 members stretched between Portland and Olympia.

23 My comments this evening: It's clear,  
24 based on the interference that occurred in the  
19:19:01 25 Washington, D.C. office of Fish and Wildlife

19:19:02

1 Service with this plan, that this is a  
2 political document, not a scientific document.

3 It's yet another example of the Bush

4 administration manipulating and interfering

19:19:14

5 with science to achieve political objectives.

6 We recommend that this plan be rejected in its

7 entirety, that the Fish and Wildlife Service

8 start anew on a new plan with a new process,

9 and this time that it be based on science and

19:19:31

10 not politics.

11 We believe that a plan, based on science,

12 will include old-growth habitat as the highest

13 priority for recovery of the owl, will include

14 large and scientifically credible reserves, and

19:19:51

15 it would increase, not reduce, existing

16 protections. Thank you very much.

17 MR. RUESINK: Thank you, Mr. Hunter.

18 Robin Sherwin.

19 MS. SHERWIN: It's Robin, R-O-B-I-N, like

19:20:10

20 the bird. Last name is Sherwin, S-H-E-R-W-I-N.

21 First of all, I'd like to thank you for

22 the opportunity to speak, but I agree with the

23 people that have spoken just before me, that

24 this is a bigger issue than the barred owls.

19:20:24

25 My understanding of the Endangered Species Act

19:20:26 1 is we pick an indicator species to reflect the  
2 health of an ecosystem, and killing a bird is  
3 not saving an ecosystem. It's the fact that  
4 these ancient forests belong to all of us, and  
19:20:40 5 it's the ancient forests that are endangered;  
6 that we do not have the right to take what  
7 little is left from our children.

8 I knew a person who was a manager of one  
9 of the national forests. He says that timber  
19:20:52 10 theft is rampant, we have no real inventories,  
11 and for us to diminish what inventory we have  
12 is unforgivable. And I also don't see how we  
13 can expect other countries around the world to  
14 save their endangered species when we can't  
19:21:09 15 even protect our own.

16 We have for set an example to the world  
17 that habitat is important, because it's loss of  
18 habitat that is endangering most of the animals  
19 on this planet. And we need to remember that  
19:21:20 20 we are dependent on the ecosystems as well.  
21 So, that's it.

22 MR. RUESINK: Thank you.

23 Peter Hayes.

24 MR. HAYES: Thank you, and good evening.

19:21:42 25 Peter Hayes, H-A-Y-E-S. And I'm speaking as a

19:21:47

1 private individual.

2 First, my basis for caring and commenting.

3 My family and I have a strong commitment to

4 conservation. We also earn our living growing

19:21:58

5 and managing and owning forest lands in the

6 Coast Range to the west of Portland. Our

7 involvement with Northwest forests spans six

8 generations. We have 800 acres, much of which

9 is older, more complex habitat. We have owls

19:22:12

10 directly to the west of our lands on state

11 lands. Though I respect and appreciate the

12 work that has gone into this plan, I recommend

13 rejecting all options. I have a series of

14 concerns, but will comment on one.

19:22:25

15 There have been serious unintended

16 consequences of owl policy over the last 15

17 years. The message the policy has sent to

18 those of us who own forest land is if you own

19 older, more complex forests, you are at risk of

19:22:38

20 being prevented from harvesting or making a

21 living. This has been most acute for those of

22 us who are family forest landowners because our

23 forests are often relatively small size, and

24 owl circles could make a significant impact on

19:22:51

25 our ability to continue to make a living from

19:22:54

1 running our lands.

19:23:06

2 This policy has had two serious unintended  
3 consequences. One is that landowners have made  
4 the rational choice to harvest older, more  
5 complex stands or have chosen not to grow  
6 older, more complex habitat. The second  
7 consequence is private forest owners have  
8 shifted away from being advocates and allies of  
9 conservation and toward to being impediments

19:23:19

10 both to owl recovery in particular and  
11 conservation in general.

19:23:30

12 Policy has created incentives for doing  
13 what's not in the public interest to do --  
14 liquidate habitat -- and has penalized those of  
15 us who would like to do what's in the public  
16 interest, which is to create older, more  
17 complex habitat. The focus on a single  
18 species, the owl, has jeopardized habitat for  
19 many other species in the Pacific Northwest.

19:23:44

20 While the plan does acknowledge these  
21 problems and suggests steps to address them, my  
22 feeling is they are not forceful enough, well  
23 thought out enough, realistic enough to really  
24 make a significant difference.

19:23:57

25 A successful plan would have to have two

19:23:59

1 things: One, it would have to actively engage  
2 those of us who grow forests for a living as an  
3 important part of conserving the health of the  
4 land; secondly, it would have to move beyond a

19:24:09

5 single species focus to a more holistic  
6 ecosystem-based focus that would be focused on  
7 maintaining and restoring biodiversity, not  
8 just a single species.

19:24:21

9 So in conclusion, you need us. We want to  
10 help. Develop policies that makes the growing  
11 of complex habitat something a rational person  
12 would choose to do. Thank you.

13 MR. RUESINK: Thank you, Mr. Hayes.

14 Jim Robison.

19:24:38

15 MR. ROBISON: My name is Jim Robison.  
16 That's R-O-B-I-S-O-N.

19:24:52

17 I just wanted to comment quickly that,  
18 first of all, we need to ensure that whatever  
19 recovery plan is adopted is based on real  
20 science, and we have a government that is no  
21 longer following science. So I want to be sure  
22 that the science that is necessary for the  
23 actual recovery of the owls is what is used,  
24 and that needs to be thoroughly examined.

19:25:05

25 One of the major aspects required for

19:25:07 1 recovery would be habitat protection for the  
2 spotted owls, and the habitat protection  
3 includes a lot of habitat that will protect  
4 other species as well. Unfortunately, what  
19:25:19 5 I've seen too often is people calling for  
6 something that sounds like what would occur  
7 under option two, which is draw a circle around  
8 owls that exist and say, "We're going to  
9 protect the area around this pair of owls, and  
19:25:32 10 everything outside of that can just fall  
11 apart."

12 But if you don't protect everything beyond  
13 that, you're not going to have any recovery at  
14 all because you will simply protect the ones  
19:25:41 15 that are there until they die, and then you'll  
16 no longer protect them.

17 One of the concerns that I see in terms of  
18 the barred owl competition is, why are the  
19 barred owls moving into the areas where they  
19:25:56 20 compete with spotted owls? Well, my initial  
21 take on it, not being a wildlife biologist, but  
22 my initial understanding of it would be that  
23 the reason they're moving in is because the  
24 habitat has changed and the habitat has become  
19:26:09 25 something that's more beneficial to the barred

19:26:11

1 owls and less supportive of the spotted owls.  
2 If we ensure that that habitat is protected so  
3 that the spotted owls remain, then they won't  
4 have the competition from the barred owls.

19:26:23

5 Think about, for example, on one of the  
6 displays outside it mentions that spotted owls  
7 in dense forest cover mostly rely on flying  
8 squirrels for predation, and on edge areas they  
9 have different food source. Well, consider the

19:26:38

10 fact that those barred owls are probably  
11 more -- more able to compete in those edge  
12 forest areas where there's been clear cuts and  
13 where they can move into, then they begin  
14 competing with the spotted owls in the areas  
15 that have been reduced in size. So if you  
16 would increase the protection of the areas for  
17 the spotted owls, you would reduce that  
18 competition from the barred owls.

19:26:52

19 So I'll just conclude: Rely on science,  
19:27:03 20 don't rely on selling out to nonscientific  
21 solutions.

22 MR. RUESINK: Thank you for your comments,  
23 Mr. Robison.

24 Marcia Denison.

19:27:27

25 MS. DENISON: Hello. My name is Marcia

19:27:29

1 Denison. I'm the director of Pacific  
2 Rainforest Wildlife Guardians.

3 MR. RUESINK: Excuse me. Could you spell  
4 your name for the record, please.

19:27:38

5 MS. DENISON: M-A-R-C-I-A, D-E-N-I-S-O-N.

6 MR. RUESINK: Thank you.

19:27:51

7 MS. DENISON: The threat of extinction  
8 is -- is caused by human activity, a hundred to  
9 a thousand times the natural rate. Where was

10 the Bush administration when the Earth and all  
11 the creatures evolved, that they knew so much  
12 about how to create species habitat that Mother  
13 Earth does -- than Mother Earth does? The  
14 recovery strategy the owls need is to back off

19:28:07

15 of their habitat and leave them alone more.  
16 There must be bigger reserves and reserves on  
17 state lands, subsidizing counties for any lost  
18 timber revenue from federal funds, minus funds  
19 already granted for schools.

19:28:21

20 Federal reserves are bordered and  
21 connected to state and private lands. Federal  
22 land protections have been inadequate and, to  
23 make things worse, they have mistakenly been  
24 recommended for state and private forests

19:28:35

25 without the large blocks of old growth and

19:28:38

1 second growth and higher populations of owls.

2 U.S. Fish and Wildlife's agreement with  
3 the State of Oregon allows active nest cores to  
4 be logged right up to the nest tree, like at

19:28:51

5 Rip Tide and Albique, though the Endangered  
6 Species Act says not to, the ESA. Often they  
7 are the holy federal land spotted owls or their  
8 young that are being taken. No state  
9 corporate -- cooperative agreement can preempt  
10 the Endangered Species Act.

19:29:11

11 The whole agreement with the state must be  
12 brought in line with the ESA. Harassment and  
13 adverse cumulative effects must be

19:29:27

14 determinative factors of whether an agency can  
15 be active or not. Harassment and pursuit by  
16 logging activities take spotted owls,  
17 interfering with breeding and shelter, like  
18 near Cougar Monster and Wakefield. Logging too  
19 close to activity centers causes blow-down that

19:29:41

20 destroys nests in the shower of falling trees,  
21 like a nest site at Hop-n-Home Circle.

19:29:57

22 Logging spotted owl habitat encourages  
23 barred owls to take over, who, by the way, are  
24 not predators of spotted owls but intermittent  
25 competitors. If you wish to blame barred owls,

19:30:00 1 then don't spin -- don't thin spotted owl nests  
2 in suitable habitat.

3 Uh-oh. There we go.

4 U.S. Fish and Wildlife must stop approving  
19:30:15 5 take and start making recommendations to avoid  
6 take on a site-by-site basis. Spotted owl  
7 clusters must be enlarged, leaving them and  
8 wide migration corridors alone for other  
9 purposes than logging and road building. Thin  
19:30:32 10 only within one mile of and between owl circles  
11 and clusters, using partial shade to control  
12 vegetation. There must never be herbicide used  
13 within a mile of spotted owl habitat. Some  
14 types impair development of fledglings,  
19:30:46 15 contaminate species of the food chain and  
16 poison adults, staying in the fat layer until  
17 burned during bad winters when survival is  
18 already tenuous.

19 U.S. Fish and Wildlife must stop approving  
19:31:00 20 logging within 70 acre cores like at Rip Tide,  
21 1,000 Sale, and Boulder Creek, and start making  
22 suggestions that would benefit the owl, while  
23 allowing thinning and -- of highly flammable  
24 young stands that threaten spotted owl habitat.

19:31:19 25 The purpose of the ESA is recovery, not

19:31:22

1 logging.

2 There is only one documented case where a  
3 spotted owl actually nested in a thin. Only  
4 one. Use of the thins by spotted owls for

19:31:32

5 breeding is otherwise unheard of, having no  
6 follow-up surveys to show otherwise. Owls can  
7 never recover when U.S. Fish and Wildlife  
8 continues to approve timber sales with risks of  
9 take.

19:31:47

10 Reserves have been the bulwark -- bulwark  
11 of owl survival, but many have falsely thought  
12 the owl to be safe in reserves while sharing  
13 nest cores -- shared nest cores are logged by  
14 the state. This false sense of security is  
15 contributing to the demise of the owls as big  
16 organizations ignore the fact that owls are  
17 being picked off at the perimeter of federal  
18 lands out of control.

19:32:05

19 The State puts the responsibility on other  
20 landowners to provide suitable habitat acreage,  
21 neglects their duty to avoid take by their  
22 actions, overlogs suitable habitat, leaving it  
23 up to private landowners to cut the last  
24 habitat, then declares the nest site historic

19:32:17

19:32:32

25 to be clear cut. Boulder Creek, Albique,

19:32:37

1 Almaise, 1,000 Sale.

2 A lifeless old-growth forest is not much  
3 better than a lifeless tree farm. There must  
4 only be thinning within owl circles, clusters,  
5 and reserves. Light thins within one mile of  
6 cores, not in cores or reserves unless the  
7 timber is less than 30 years old. There is no  
8 use of having circles if they are to be clear  
9 cut.

19:32:47

19:33:02

10 MR. RUESINK: Can I ask you to kind of  
11 finish up your comments here? And feel free to  
12 submit the whole comment in writing. So, if  
13 you can finish up here in the next little bit.

19:33:16

14 MS. DENISON: That's right where I tore it  
15 in two, and I did it in two pages so I could  
16 submit the other half. Thank you very much.

17 MR. RUESINK: Good. Thank you.

18 Our next speaker is Deanna  
19 Mueller-Crispin.

19:33:37

20 MS. MUELLER-CRISPIN: I'm Deanna  
21 Mueller-Crispin. That's D-E-A-N-N-A,  
22 M-U-E-L-L-E-R hyphen C-R-I-S-P-I-N. I bet  
23 that's the longest one you have today. And I  
24 represent myself only.

19:33:52

25 Thank you for taking comments on the draft

19:33:56

1 spotted owl recovery plan recently released by  
2 the Bush administration. But it's particularly  
3 disappointing for me to be here today and have  
4 to repeat basically the same comments I made on

19:34:07

5 August 9, 2006, at the spotted owl recovery  
6 team listening post.

19:34:21

7 At that time many people noted that the  
8 northern spotted owl populations have declined  
9 from between 40 and 60 percent in the last ten  
10 years. They pointed out that the new threats  
11 to the spotted owl's continuing existence,  
12 including the West Nile virus and competition  
13 from the barred owl, make it even more

19:34:38

14 important to retain habitat. And most of us  
15 indeed did come to that conclusion, that these  
16 threats make it so important to preserve the  
17 dwindling old-growth forests that are prime  
18 spotted owl habitat.

19:34:53

19 The majority of the speakers at that time  
20 also strongly urged the recovery team to base  
21 their recommendations on established science,  
22 which continues to emphasize exactly this  
23 importance of large, mature old-growth forest  
24 reserves and the conservation of the spotted

19:35:08

25 owl.

19:35:09

1 The stakeholder recovery team's draft  
2 report to the Department of the Interior made  
3 owl habitat protection the top priority.

19:35:19

4 Tragically, that draft report got caught in the  
5 web of the current administration's rejection  
6 of established science in favor of special  
7 interests. A secret political oversight  
8 committee, including the recently disgraced

19:35:33

9 Julie MacDonald, who was deputy assistant  
10 interior secretary, rejected the draft report  
11 and directed the team to change the plan  
12 substantially.

19:35:44

13 Scientifically unjustified options were  
14 substituted in the new report before us today,  
15 the opposite of what we were told would happen  
16 back in August 9, 2006. And, most egregious of  
17 all, the current recovery plan would allow  
18 reduction of owl habitat by as much as 25  
19 percent.

19:36:02

20 Neither option in the report before us  
21 today affects, and thus does not protect,  
22 either state or privately owned land. My  
23 comments on August -- in August 2006 stressed  
24 that owl habitat protections are needed on

19:36:17

25 state and private land as well as federal lands

19:36:20

1 if spotted owl populations are to be  
2 stabilized. Both of these options reduce  
3 habitat below levels in the 1994 Northwest  
4 Forest Plan as well.

19:36:31

5 Both options in this draft recovery plan  
6 should be rejected and protections in the  
7 Northwest Forest Plan retained until a new,  
8 truly scientifically based recovery plan can be  
9 developed.

19:36:44

10 The northern spotted owl is our common  
11 heritage. The public supports its protection,  
12 as I'm sure you realize, and any recovery plan  
13 must also support its protection. Thank you  
14 very much.

19:36:59

15 MR. RUESINK: Thank you for your comments.  
16 Regna Merritt.

19:37:26

17 MS. MERRITT: Good evening. My name's  
18 Regna Merritt, R-E-G-N-A, M-E-R-R-I-T-T. And  
19 I'm here representing Oregon Wild, formerly  
20 known as Oregon Natural Resources Council. I'm  
21 representing about 5,000 members and 3,300  
22 activists, who have had long-standing history  
23 of involvement and protection of the owl and  
24 the precious old-growth forests that it relies  
25 upon. I have a few brief comments, and then a

19:37:40

19:37:46 1 few general statements to make tonight.

2 I agree with others tonight who have said

3 that the Bush administration has not created a

4 plan that will lead to the recovery of the owl,

19:37:58 5 but has created a plan that will lead to a

6 death sentence for the owl. They want to roll

7 back the clock and put logging before

8 conservation. Both options in the plan are big

9 steps backward from what we have right now, and

19:38:13 10 I'd ask you to start over on an owl plan that

11 protects all suitable habitat and restores what

12 has been lost.

13 The recovery team is comprised of many

14 people who are smart and dedicated, and they

19:38:25 15 should strongly oppose political interference

16 from the appointees in Bush's Washington, D.C.,

17 and work towards a genuine recovery plan that

18 builds on the protections of the Northwest

19 Forest Plan.

19:38:38 20 The Bush recovery plan, again, is not a

21 recovery plan. It proposes fewer and smaller

22 reserves than the Northwest Forest Plan. It

23 also lowers the restoration target from the

24 current 80 percent suitable habitat to as low

19:38:52 25 as 50 percent suitable habitat.

19:38:55

1           Additionally, the recovery team should  
2           take a stand to oppose BLM's western Oregon  
3           plan revisions, which will pull the rug out  
4           from under the integrated Forest Service-BLM

19:39:05

5           owl conservation plans. The BLM intends to  
6           eliminate both old-growth reserves and stream  
7           reserves, which will serve to isolate owl  
8           populations on the national forests and make it  
9           much harder for owls to disperse to and from

19:39:20

10          the Cascades, Coast Range, and Klamath  
11          mountains. Preventing these bad revisions  
12          should be a top priority for the team, on par  
13          with addressing the barred owl.

19:39:35

14                 Thirdly, most nonfederal forest owners are  
15          not doing their part to provide owl habitat, as  
16          we heard tonight. So we either need to  
17          significantly strengthen the Forest Practices  
18          Act or increase habitat protection on federal  
19          lands to compensate for the lack of habitat on  
20          industrial forest lands and state lands.

19:39:49

21                 Fourthly, salvage logging after fires will  
22          delay recovery of high-quality owl habitat by  
23          killing seedlings, increasing hazardous fuels,  
24          and preventing the development of complex old  
25          forests with abundant legacy structure. For

19:40:03

19:40:07 1 millennia, forests have rebounded after fire,  
2 and they will continue to do so. Salvage  
3 logging removes the structural legacies that  
4 bridge past and future forests.

19:40:16 5 For instance, abundant dead wood supports  
6 truffles that feed flying squirrels, which are  
7 the primary prey of the spotted owl.  
8 Unsalvaged forests can help provide high  
9 quality forest habitat.

19:40:29 10 In closing, there's another team of smart,  
11 dedicated people out here, and in some ways  
12 it's a farce that we're all here to say the  
13 same things over and over again. I feel badly  
14 about that, but I don't think it's an entire  
19:40:42 15 waste of time because we're building a strong  
16 record, and you have evidence of strong support  
17 from the public for doing a much better job.

18 And I would ask people in the public, too,  
19 to not direct all of your energy toward this  
19:40:55 20 one process, but to call on Senator Wyden to  
21 permanently protect all our remaining mature  
22 and old-growth forests so we don't have to go  
23 through this again and again and again.

24 Thank you.

19:41:08 25 MR. RUESINK: Thank you, Ms. Merritt.

19:41:12

1 Lynn Herring.

2

MS. HERRING: My name is Lynn Herring,

3

L-Y-N-N, H-E-R-R-I-N-G. And I'm speaking as an

4

individual. I offer the following comments in

19:41:34

5

response to the recently released draft

6

recovery plan for the northern spotted owl.

7

The U.S. Fish and Wildlife Service in its

8

April 26th news release states, "Recovery plans

9

are not regulatory documents enforceable by

19:41:51

10

law. Rather, they provide guidance to bring

11

about recovery through prescribed management

12

actions and criteria to determine when recovery

13

has been achieved, and are often influential in

14

guiding the land-use decisions of federal and

19:42:09

15

nonfederal land managers."

16

This draft plan does not provide the

17

optimal, necessary guidance to recover the

18

northern spotted owl in terms of identifiable

19

criteria and actions needed to stop the owl's

19:42:27

20

decline, reduce threats, and return the species

21

to a stable, well-distributed population in

22

Washington, Oregon, and California. The draft

23

plan would instead weaken spotted owl

24

protection on federal lands and facilitate

19:42:44

25

increased logging of old-growth forests that

19:42:47

1 provide habitat for the owl.

2 The plan's two options do not adequately  
3 address spotted owl habitat loss. The owl is  
4 declining more rapidly than anticipated at the

19:43:00

5 time of the species listing in 1990. Any final  
6 plan should not facilitate further loss of  
7 spotted owl habitat.

8 Option one does not set aside enough  
9 old-growth reserves to recover the spotted owl.

19:43:16

10 Option two, preferred by the timber industry,  
11 would eliminate old-growth reserves and allow  
12 the Forest Service and BLM to independently  
13 decide how much habitat to protect.

19:43:33

14 Apparently the 12-member recovery team was  
15 originally on track to develop a collaborative,  
16 scientifically defensible recovery plan until  
17 the Bush administration appointee stepped in to  
18 override that notion. This led to the current  
19 draft recovery plan with the two options that

19:43:48

20 do not meet the Endangered Species Act's  
21 requirement for measurable, objective recovery  
22 criteria. Yet this plan -- this plan commands  
23 a price tag of \$198 million and purports to  
24 recover the owl in 30 years.

19:44:05

25 The U.S. Fish and Wildlife Service says

19:44:07

1 the draft recovery plan builds on a 1992 draft  
2 northern spotted owl recovery plan, the  
3 Northwest Forest Plan, a five-year review of  
4 the species completed in 2004, a recent

19:44:20

5 ten-year monitoring report, and all other best  
6 available science. In reality, this draft plan  
7 would undercut the work that's been done to  
8 protect owls.

19:44:32

9 The U.S. Fish and Wildlife Service should  
10 reject both options one and two and develop a  
11 northern spotted owl recovery plan that would  
12 do the following:

19:44:45

13 One, address the threats to the owl caused  
14 by continuing loss of habitat and formulate  
15 actions to prevent further habitat loss;

16 Two, establish peer-reviewed,  
17 scientifically defensible habitat criteria that  
18 will optimally help the owl recover;

19:44:59

19 Three, not allow the Forest Service and  
20 BLM forest managers to independently decide how  
21 much spotted owl conservation area habitat to  
22 protect or not protect;

19:45:15

23 Four, establish additional and larger owl  
24 conservation areas or reserves to ensure  
25 spotted owl survival during barred owl

19:45:18

1       invasions.

2               Regarding barred owls, the draft recovery  
3 plan identifies competition from the barred  
4 owl, nonnative to the Pacific Northwest, as the  
5 primary threat facing the northern spotted owl.

19:45:28

6 Additional research on this topic is definitely  
7 needed. However, the current presence of the  
8 barred owl is no excuse to write off spotted  
9 owl habitat and thereby facilitate further

19:45:44

10 fragmentation of our old-growth forest. This  
11 would only roll out the welcome mat for the  
12 opportunistic barred owl.

13               In conclusion, the northern spotted owl  
14 inhabits structurally complex forests and is a  
15 key indicator of the health of our remaining  
16 old-growth forest ecosystems in the Pacific  
17 Northwest. This plan must be reworked and  
18 improved to provide more and larger habitat  
19 reserves if the owl is to survive.

19:46:00

19:46:14

20               Thank you.

21               MR. RUESINK: Thank you for your comments.

22               Barbara Wilson.

23               MS. WILSON: I am Barbara Wilson,

24               W-I-L-S-O-N. I represent myself.

19:46:35

25               I was here in August in front of the owl

19:46:38

1 recovery team, and we did speak extensively  
2 about the importance of adequate habitat,  
3 old-growth forests, and the importance of  
4 habitat in recovery of the owl. It appears

19:46:57

5 that perhaps our comments were ignored.

6 I am sure that you read the editorial in  
7 The Oregonian this morning that was written by  
8 Dominick DellaSala. He is a chief scientist  
9 and executive director of the National Center

19:47:15

10 for Conservation Science and Policy, and serves  
11 on the Northern Spotted Owl Recovery Team. And  
12 even though you may have read this, I wanted it  
13 put into the record because I think it's so  
14 important.

19:47:32

15 He says: "I served on the recovery team  
16 that submitted a draft recovery plan last  
17 September to the U.S. Fish and Wildlife  
18 Service.

19:47:45

19 "A short time later, the team was notified  
20 that a secret 'oversight committee' in  
21 Washington, D.C., had rejected the draft and  
22 directed us to change the plan substantially,  
23 deemphasizing the well-documented connection  
24 between spotted owl survival and its old-growth

19:48:03

25 forest habitat.

19:48:05 1 "The oversight committee included Julie  
2 MacDonald, the deputy assistant Interior  
3 secretary who recently resigned after an  
4 Inspector General's investigation found she had  
19:48:18 5 altered scientific conclusions to accommodate  
6 the demands of special-interest lobbyists.

7 "One of the most troubling changes is that  
8 the administration's plan could reduce  
9 old-growth habitat by as much as 25 percent.

19:48:39 10 At the same time, spotted owl numbers are  
11 plummeting.

12 "It's time for the Fish and Wildlife  
13 Service to scrap the draft recovery plan and  
14 start fresh."

19:48:50 15 I would like to ask you to throw out this  
16 plan. Neither option one nor option two will  
17 help the spotted owl. This editorial only  
18 confirms what the Bush administration has done  
19 on all major environmental challenges. It's  
19:49:08 20 tragic. It's tragic. But it's corrupt. It's  
21 polluted. And I ask you to recognize how  
22 corrupt the system is. Please throw out this  
23 draft plan and begin again with the true  
24 objective of recovering the spotted owl. Thank  
19:49:28 25 you.

19:49:31

1 MR. RUESINK: Thank you, Ms. Wilson, for  
2 your comments.

3 James Mire.

19:49:47

4 MR. MIRE: Sorry. I wasn't here at the  
5 beginning, so I didn't -- I don't even know who  
6 you guys are.

7 MR. RUESINK: Please state your name and  
8 spell it for the record, and then go ahead and  
9 give your comments.

19:49:56

10 MR. MIRE: Sure.

11 MR. RUESINK: Try to limit them to about  
12 four minutes.

19:50:07

13 MR. MIRE: Yeah, I got that part. James.  
14 Last name is Mire, M-I-R-E. And I'm actually a  
15 volunteer at Audubon Society of Portland. And  
16 I'm here speaking on behalf of Hazel, the  
17 spotted owl. I was one of her original  
18 trainers, and if you know anything about  
19 training owls it's -- they're not as bright as  
20 you would think. It takes a long time. So I  
21 flipped through a lot of books, a lot of quiet  
22 time spent thinking. A boy from Louisiana  
23 thinking about this crazy owl from weird old  
24 forest.

19:50:19

19:50:31

25 And what I realized is that they're an

19:50:35 1 indicator species of bad politics, ultimately.  
2 And when you look at it -- I keep hearing this  
3 thing that a good friend of mine said the other  
4 day to a group of us: Anybody that thinks it's  
19:50:48 5 about the spotted owl, raise your hand. We all  
6 kind of looked at him. He said, Yeah, exactly.  
7 It's about the forest.

8 You know, you guys have this -- this duck  
9 and this fish. You're the U.S. Fish and  
19:50:59 10 Wildlife Service. Seems to me that this would  
11 be job security for you guys to protect this  
12 stuff, because pretty soon we're not going to  
13 have a lot of fish and wildlife left. That  
14 means less of you guys, et cetera.

19:51:11 15 I find it astonishing, and I think if  
16 Hazel were ever to come up here and say  
17 something, she would say we send rockets to the  
18 moon, we split atoms, we fuse atoms, we got  
19 super colliders, we're splitting genes, we're  
19:51:25 20 growing body parts, for crying out loud, and we  
21 can't even figure out how to save a forest.

22 You know, you got acute medicine today.  
23 Instead of trying to say, Hey, stop getting  
24 sick; wait until you get sick and then we'll  
19:51:38 25 treat it. So we've waited until the forest got

19:51:40

1 sick, and now we're just going to treat it with  
2 a band-aid. Let's go shoot a bunch of barred  
3 owls.

19:51:48

4 It's ridiculous. We're smarter than this,  
5 is really what I guess she would say. She  
6 would say, Look, quit picking on my fellow sub,  
7 sub species, barred owl, whatever. Quit  
8 picking on them. They're not the problem.

19:52:03

9 Politicians are the problem. If we want  
10 forests for our grandchildren and great  
11 grandchildren, look at everything, not just the  
12 spotted owl.

19:52:14

13 This other gentleman had a really cool  
14 approach. It needs to be holistic.  
15 Successfully breeding pairs of spotted owls are  
16 found feeding on specific animals, and those  
17 specific animals are found feeding in specific  
18 areas. See how it all works?

19:52:25

19 So, anyway, thank you guys for listening.  
20 We're smarter than this. We've got to be  
21 smarter than this. Let's reject both of those  
22 options. They're ridiculous. Thank you for  
23 your time. Thank you.

19:52:48

24 MR. RUESINK: Ann Littlewood.

25 MS. LITTLEWOOD: It's Ann, with no E,

19:52:50

1 Littlewood, L-I-T-T-L-E-W-O-O-D. And thank  
2 you, gentlemen, for your time this evening.

3 I represent myself and my family,  
4 including my grandchildren as yet unborn.

19:53:05

5 My family has lived in Oregon for five  
6 generations. I personally have been to  
7 Cambodia. I've been to Central America. I've  
8 seen how they manage their forests. I've  
9 climbed the Lost Lake overlook at Mt. Hood and

19:53:23

10 looked at the slopes of the mountains. I've  
11 flown south over Oregon to the Bay area and  
12 looked down at our state. Most recently, I've  
13 driven the road between Eugene and Florence.

14 I've seen how we manage our forests. The

19:53:39

15 differences are way more subtle than they  
16 should be.

17 Oregon should not be treated like a  
18 third-world country. Surely we can do better.

19 Surely we can stop cutting the last of our

19:53:54

20 ancient forests and preserve one small owl. We  
21 have the knowledge, and some of us have the  
22 will. Throwing out science in favor of

23 short-term profit is the mentality of

24 desperately poor countries with corrupt

19:54:11

25 governments. It should not be the way we do

19:54:14

1 things here in Oregon. It should not be the  
2 way we do things in the United States of  
3 America. Please, gentlemen, don't shame us  
4 all.

19:54:24

5 MR. RUESINK: Thank you.

6 I've now called the names of all the folks  
7 that indicated they wished to speak this  
8 evening. If anyone in the audience wishes to  
9 speak, you would like to make a statement -- we

19:54:41

10 can get you to fill out a card in just a  
11 minute.

12 MS. COON: I did.

13 MR. RUESINK: You can come up and speak.

14 I just want to make sure you fill out a card.

19:54:53

15 MS. COON: I signed up outside.

16 MR. RUESINK: Okay. And again, state your  
17 name and spell for it the record and indicate  
18 if you represent any agency or organization go  
19 ahead, please.

19:55:02

20 MS. COON: Thank you. Good evening. My  
21 name is Cheryl Coon. I am the conservation  
22 program manager for the Audubon Society of  
23 Portland, and I appreciate the chance to speak  
24 to you.

19:55:12

25 I certainly support all of the wonderful

19:55:14 1 remarks that you've already heard and am not  
2 going to waste your time by repeating what you  
3 have heard. I'd like to share a more personal  
4 perspective of my own.

19:55:25 5 I have been an environmental attorney for  
6 the last 30 years, and in that capacity began  
7 working on spotted owl issues as an assistant  
8 attorney general for the State of Oregon in the  
9 mid 1980s.

19:55:42 10 I find myself deeply discouraged to be  
11 here tonight, and what it recalls for me  
12 vividly is a conversation that a group of  
13 attorneys who were dealing with the salmon  
14 issue once had. We sat around the room and we  
19:55:59 15 looked at each other, and we were pretty much  
16 the same vintage, the way you and I are, and we  
17 talked about the fact that this was our  
18 generation's time and opportunity to make a  
19 difference. We were now the age that we had  
19:56:17 20 watched our parents be when we expected them to  
21 do good things and were sometimes overly harsh  
22 in our criticism of them for not having done  
23 those things.

19:56:32 24 We are, in short, at the time of our lives  
25 when we are most uniquely able to make a

19:56:35

1 difference for the world we live in. I'm  
2 talking about us right here, many of the people  
3 in the audience here. We're folks in our 50s  
4 and our 60s, and we're never going to have the  
5 chance that we have right now again.

19:56:47

6 So the thing that I find very tragic and  
7 sad about being here is it is now nearly 20  
8 years later. 1987, I recall, was when you were  
9 first petitioned for listing. Here we are with

19:57:04

10 a recovery plan. It's a recovery plan that  
11 basically, as lawyers like to say, doesn't pass  
12 the red-face test. It's simply absurd to  
13 suggest that we can do it with a heavy focus on  
14 killing barred owls and a very reduced focus on  
15 preserving habitat. We've known for a long  
16 time that it's about habitat because of the  
17 nature of this critter.

19:57:27

18 At Portland Audubon, we pride ourselves on  
19 being a science-based organization. If you can  
20 show us the science, we're there behind you,  
21 whether or not it's the popular position to  
22 take among our colleagues and our friends in  
23 the environmental movement. This is a case  
24 where you are not going to pass the red-face  
25 test with us or with other folks in the

19:57:57

19:57:59

1 environmental movement, and you simply cannot  
2 show us the science to support either of these  
3 options.

19:58:10

4 So we do respectfully ask, and I join the  
5 other folks here in asking, that you reconsider  
6 and go back to the drawing board. Thank you  
7 for your time.

19:58:25

8 MR. RUESINK: Thank you for your comments.

9 Once again, I have now called the names of  
10 everyone that indicated they wished to speak.

11 If anyone else in the audience wishes to do so,  
12 I would ask that you fill out a registration  
13 card, and we'll give you an opportunity to do  
14 so.

19:58:40

15 We are scheduled to be here until 9:30  
16 this evening. If we do not have any additional  
17 speakers at this time, I would like to take a  
18 recess and encourage you to, again, pick up  
19 materials that are available outside the room.

19:58:58

20 It looks like maybe we do have someone  
21 else -- you do wish to speak, sir?

22 MR. EPSTEIN: Yeah.

23 MR. RUESINK: Have you filled out a card?

24 MR. EPSTEIN: No, not yet.

19:59:09

25 MR. RUESINK: Come on up to the

19:59:10

1 microphone. We'll make sure we get a card  
2 filled out for you. And again, please state  
3 your name, spell it for the record, and  
4 indicate if you represent an agency or an  
5 organization.

19:59:20

6 MR. EPSTEIN: My name is Jordan Epstein.  
7 Do you want me to spell it?

8 MR. RUESINK: Please.

19:59:28

9 MR. EPSTEIN: Jordan, J-O-R-D-A-N,  
10 Epstein, E-P-S-T-E-I-N.

11 MR. RUESINK: Thank you.

19:59:39

12 MR. EPSTEIN: Well, I guess I'm  
13 representing myself, although I've got my  
14 Bird-A-Thon T-shirt on. I'm an Audubonner.  
15 I'm a member.

19:59:55

16 I'm sure most of the things that I could  
17 think of have been said, so I'm going to try an  
18 analogy. Imagine that your foot is bothering  
19 you. Circulation problems. Something wrong  
20 with your foot, and you're not sure what it is,  
21 and you go to the doctor. Now, you're the  
22 doctors for our forest.

20:00:09

23 And the doctor looks at your foot and  
24 says, Hm, you have a circulation problem, so  
25 let's soak it. Let's massage it. Maybe we can

20:00:13

1 stimulate it.

2 The doctor fails to take into account the  
3 fact that you've got diabetes. Totally ignores  
4 that. That's the habitat, though, in which the  
5 spotted owl lives. It's an entire system. If  
6 you don't look at your whole body, you could  
7 end up soaking your foot to treat diabetes.

20:00:26

8 That's what you've got going here.

9 To protect the habitat, you're going to  
10 shoot barred owls? You know, it's what you've  
11 heard before. It just doesn't make sense. So,  
12 please, start again. Address the entire

20:00:40

13 system. The spotted owl doesn't live without  
14 an entire system that's healthy any more than  
15 your foot would survive in a body that was not  
16 treated for diabetes, if that's what you had.

20:00:54

17 Thank you.

18 MR. RUESINK: Thank you.

19 Are there any other speakers? One more.

20:01:28

20 Cheyne Cumming?

21 MS. CUMMING: I just got here from a  
22 baseball game with my granddaughters.

23 MR. RUESINK: Did they win?

24 MS. CUMMING: Yes, they did. But she's

20:01:42

25 why I'm here.

20:01:44

1 MR. RUESINK: Would you state your name  
2 and spell it for the record, please.

20:01:53

3 MS. CUMMING: Oh, yes. It's Cheyne  
4 Cumming. C-H-E-Y-N-E, last name Cumming,  
5 C-U-M-M-I-N-G.

6 MR. RUESINK: Thank you.

20:02:08

7 MS. CUMMING: Okay. I didn't have time to  
8 prepare my comments, but I'm here for my  
9 grandchildren, and I'm here as a teacher. I've  
10 been a teacher in Portland for 20 years and a  
11 citizen of this state for 33 years. And I  
12 value above anything else in my life our  
13 forests, our rivers, our streams, our ocean,  
14 and everything that lives within them.

20:02:28

15 I live in Washington County, where I am  
16 seeing all of the habitat for animals  
17 devastated on a daily basis due to development,  
18 and I don't want to see that happen to what old  
19 growth is left.

20:02:43

20 I've seen the northern spotted owl at the  
21 High Desert Museum, and I'd like to be able to  
22 see one in the wild now and to take my  
23 grandchildren there. So I ask you to consider  
24 what impact this plan would have to not only  
25 the northern spotted owl, but to other plants

20:03:01

20:03:05

1 and animals that reside in the old growth.

2 And it's my responsibility as a teacher,  
3 and as a citizen, to protect those places for  
4 the children I teach now. And you have the

20:03:19

5 power to do that. That's all I have to say.

6 MR. RUESINK: Thank you.

7 Are there any other speakers at this time?

8 Seeing no one indicating that they wish to  
9 speak, again, we will be here until 9:30. If

20:03:41

10 any of you decide that you would like to make a  
11 statement, please register at the desk outside  
12 the room and we'll give you an opportunity to  
13 do so.

14 Also, a lot of material is available  
20:03:54 15 outside this room as well as staff from the  
16 Fish and Wildlife Service, the Forest Service,  
17 and Bureau of Land Management to answer  
18 questions or address concerns that you might  
19 have.

20:04:07

20 If we do not have any more speakers at  
21 this time, we will go on recess. We're off the  
22 record.

23 (PROCEEDINGS ADJOURNED AT 8:04 p.m.)

24

\* \* \*

25

## CERTIFICATE

I, Robin L. Nodland, an Oregon Certified Shorthand Reporter, a Registered Diplomate Reporter, and a Certified Realtime Reporter, do hereby certify that I reported in stenotype the proceedings had upon the hearing of this matter, previously captioned herein; that I transcribed my stenotype notes through computer-aided transcription; and that the foregoing transcript constitutes a full, true and accurate record of all proceedings had during the hearing of said matter, and of the whole thereof.

Witness my hand at Portland, Oregon, this 12th day of June, 2007.



  
Oregon CSR 90-0056 <sup>JK</sup>

A				
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NORTHERN SPOTTED OWL  
DRAFT RECOVERY PLAN PUBLIC HEARING

TRANSCRIPT OF PUBLIC TESTIMONY

May 30, 2007  
6:30 - 8:30 p.m.

**COPY**

Oregon Convention Center  
Portland Ballroom  
777 N.E. Martin Luther King Jr. Blvd.  
Portland, Oregon

BEFORE:

- MR. ROBERT RUESINK  
Presiding Officer, USFWS
- MR. DAVE WESLEY  
Deputy Regional Director, USFWS, Pacific  
Region, and Leader of Northern Spotted Owl  
Recovery Team
- MR. KEMPER McMASTER  
Project Leader, USFWS Oregon Field Office

18:35:06 1 MR. RUESINK: We are on the record.  
 2 Good evening. On behalf of the United  
 3 States Fish and Wildlife Service, I welcome you  
 4 to this public meeting on the draft recovery  
 18:39:43 5 plan for the northern spotted owl. My name is  
 6 Robert Ruesink. The last name is spelled  
 7 R-U-E-S-I-N-K. I will be serving as the  
 8 presiding official for this listening session  
 9 this evening. My role is to conduct this  
 10 session in order that we may receive your  
 11 comments accurately. I am not involved in any  
 12 decision-making role regarding this issue.  
 13 Here with me also are the following  
 14 representatives from the U.S. Fish and Wildlife  
 18:40:14 15 Service:  
 16 To my left is Dave Wesley. Dave is the  
 17 Deputy Regional Director of the Pacific region  
 18 and the team leader for the Northern Spotted  
 19 Owl Recovery Team;  
 18:40:27 20 To my right is Kemper McMaster. Kemper is  
 21 the State Supervisor for the Oregon Fish and  
 22 Wildlife office here in Portland.  
 23 Outside this meeting room you have seen  
 24 written and display materials about the draft  
 18:40:44 25 recovery plan as well as staff from the U.S.

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24		
25		

18:40:47 1 Fish and Wildlife Service, Forest Service, and  
 2 Bureau of Land Management that are available to  
 3 assist you and answer any questions that you  
 4 may have about that draft recovery plan.  
 18:40:58 5 At this point I would like to introduce  
 6 Dave Wesley, who will give a presentation on  
 7 the draft plan. Dave?  
 8 MR. WESLEY: Thank you, Bob. Everybody  
 9 can hear me? I'm going to come down and do it  
 10 from down here rather than stand up there.  
 11 First of all, I want to thank everyone for  
 12 coming tonight. What I'm going to do is just  
 13 take a few minutes and give you a little bit of  
 14 a background on the process and the plan  
 18:41:23 15 itself, give you some information that will  
 16 hopefully -- not everybody's had a chance to  
 17 read the entire plan. Some of these plans can  
 18 be a little dry, so I'll try to give you a  
 19 little bit of background about what's involved  
 18:41:35 20 with the recovery planning process, what we did  
 21 to get to this point, and some of the major  
 22 elements of the recovery plan. Then once we're  
 23 done with that, I'll turn it back over to Bob,  
 24 and we'll actually get to the public comment  
 18:41:48 25 portion of the meeting.

5

18:41:49 1 So once again, thank you all for coming.  
 2 I appreciate you spending your evening with us  
 3 here. I don't know how many of you are here  
 4 seeking air conditioning out of the heat, but  
 18:41:58 5 hopefully we'll all be able to spend some time  
 6 here this evening.  
 7 Again, this is the critter that we're here  
 8 to talk about tonight. It's the northern  
 9 spotted owl. And what I want to do is talk a  
 18:42:09 10 little bit about the background.  
 11 First of all, the species was listed in  
 12 1990 as a threatened species under the  
 13 Endangered Species Act. There was also an  
 14 Interagency Scientific Committee that was  
 18:42:21 15 formed in 1990 to look at the science behind  
 16 what was involved in protecting and making sure  
 17 that the spotted owl could be recovered.  
 18 In 1992 the Fish and Wildlife Service  
 19 designated critical habitat for the northern  
 18:42:36 20 spotted owl. In 1992 there was a draft  
 21 recovery plan that was put together by another  
 22 group. That plan was naturally never  
 23 finalized.  
 24 In 1994 there was -- the Northwest Forest  
 18:42:49 25 Plan was completed, and much of what was in the

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18:42:54 1 Northwest Forest Plan, some of the stuff in  
 2 there was designed for the recovery of the owl,  
 3 but the Northwest Forest Plan was a much  
 4 broader plan. It had to do with salmon,  
 18:43:05 5 murrelets, many of the other larger species and  
 6 hundreds of the other species under management  
 7 survey. So the Forest Plan was a larger,  
 8 broader document that included much more than  
 9 just the northern spotted owl.  
 18:43:16 10 And in 2004 part of our requirement of the  
 11 Endangered Species Act is for the Fish and  
 12 Wildlife Service to conduct five-year reviews  
 13 to see if the status of the species has changed  
 14 or whether it should be changed or what new  
 18:43:30 15 information is available. We did a contract  
 16 with a private consulting firm, and in 2004  
 17 they did a summary of the status of the bird.  
 18 And what was nice about that is they took all  
 19 of the science from 1992 up to 2004 and  
 18:43:44 20 summarized it for us.  
 21 So we had a great summary of the  
 22 information that was available to us, not only  
 23 from some of these earlier documents, but as  
 24 recent as 2004. So we had that wealth of  
 18:43:55 25 information for us to start from.

7

18:44:01 1 What is in a recovery plan? A recovery  
 2 plan is basically a road map, and it's a design  
 3 that helps folks that are interested in  
 4 recovering the owl look at what is necessary.  
 18:44:11 5 There's four major components:  
 6 First of all, there's strategy. What is  
 7 it that we should do to be able to recover the  
 8 owl?  
 9 There are specific objectives. It talks  
 18:44:22 10 about population. It talks about numbers. It  
 11 talks about habitats. It talks about threats  
 12 and things of that nature.  
 13 There are specific measurable criteria.  
 14 One of the things that a recovery plan is  
 18:44:31 15 essential to do is to establish some very  
 16 measurable criteria that we would know when the  
 17 species is eligible for delisting. So you  
 18 can't just talk about it increasing or this and  
 19 that and the other thing; you need to come up  
 18:44:44 20 with specific, measurable criteria that we were  
 21 able to -- be able to enumerate so that a team,  
 22 hopefully a team in the future, when the owl  
 23 gets to a point where it is recovered, can look  
 24 at those criteria that we established and see  
 18:44:56 25 if it's there to be able to be delisted.

8

18:44:58 1 So the last thing is specific recovery  
 2 actions. The plan looks at what needs to be  
 3 done. And I'll spend a few minutes talking  
 4 about that in a little bit.  
 18:45:08 5 One thing I want to make sure that  
 6 everybody understands is that the recovery plan  
 7 is advisory in nature. It's not a regulation.  
 8 It's not a regulatory document. It doesn't  
 9 have any full force and effect of law like a  
 18:45:20 10 listing package or a critical habitat  
 11 determination. It is an advisory document for  
 12 both federal agencies, state agencies, folks  
 13 that are involved in owl recovery. What is it  
 14 that would be necessary? What's that road map  
 18:45:32 15 that's necessary for recovery?  
 16 So how did we get to where we are? What  
 17 was our time line? In the spring of 2006, we  
 18 started -- we appointed a recovery team. The  
 19 recovery team deliberated over the summer and  
 18:45:49 20 over some of the fall, and we delivered a plan  
 21 to the Washington office by 2006 and the end of  
 22 September. That was the original target that  
 23 we were asked to do.  
 24 That revision -- or that plan was looked  
 18:46:02 25 at, and they were -- asked for us to look at

9		11	
18:46:05	1 some revision from some folks in Washington. 2 They asked us to come up with another option 3 that we had. Initially we had an option one 4 only. And I'll describe those in a little bit, 18:46:14 5 but we did prepare a second option at the 6 request of some folks in Washington that looked 7 at ways -- they wanted us to see if we could 8 expand a way -- we could do recovery in a 9 little different way. So we did do that 18:46:27 10 revision. April 26 of 2007 we actually 11 released the draft recovery plan. 12 We're currently in the 60-day comment 13 period. It's normal for us to provide a 14 comment period for folks to be able to give a 18:46:41 15 comment during the 60 days. I know there has 16 been a significant amount of interest in 17 extending that because the plan is long. We 18 have gotten a request and we are in the process 19 of processing that request to make that 18:46:53 20 extension. 21 I want to encourage you, if you do have 22 comments, to try to get them to us by June 23 25th. But all the indications I have right now 24 are we are going to be successful in requesting 18:47:01 25 the extension, and that extension will go to	18:48:03	1 We did appoint, as I said, a recovery team to 2 do this. The recovery team provided advice. 3 Let me make it clear that the document that's 4 been circulated is a service document. We 18:48:11 5 really worked -- tried very hard to get 6 consensus everywhere, but we were not able to 7 do that in some of the issues. 8 So it is a service document, and we think 9 it certainly benefited from the dialogue and 18:48:24 10 the interchange among the recovery team 11 members, but it is a service document. 12 We did have 12 members on the recovery 13 team. The five federal agencies that are 14 involved in land management in the Northwest. 18:48:35 15 The Fish and Wildlife Service, the National 16 Park Service, the Bureau of Land Management, 17 the Bureau of Indian Affairs, and the Forest 18 Service are the five federal members of the 19 team. 18:48:46 20 We had a representative from each of the 21 three states. We wrote the governors of the 22 state and asked them to provide us the names 23 that they would like, whether that was from 24 their game commission or the forestry 18:48:58 25 commission. So we did have members from the
10		12	
18:47:03	1 August 24th. That will give a full 120 days. 2 So I don't have the final approval to be able 3 to tell you tonight, but I'm pretty sure. But 4 I would encourage you, if you do have written 18:47:12 5 comments, to provide them and get them to us by 6 June 24th. 7 We did commit -- the law doesn't require 8 us to have public meetings. They do require us 9 to have them for listings, but not for recovery 18:47:24 10 plans. But we felt it was important to be able 11 to provide this opportunity for the public to 12 go out and do that. So we committed to 13 conducting a public meeting in each of the 14 three states. In fact, we've done two here. 18:47:34 15 This is the second one in Oregon. We did two 16 last week: One in Roseburg and one in Redding, 17 California. And we'll do the same thing 18 tomorrow night up in Lacey, a suburb of 19 Olympia, Washington. So we will commit to do 18:47:46 20 the four recovery -- public meetings. 21 And our goal is to have this plan 22 finalized one year from the date from which the 23 draft was originally published, or in April of 24 next year. 18:48:01 25 Let's talk a little bit about the team.	18:49:00	1 three states. 2 We did have members from -- I'll get down 3 to there -- from the timber industry. We had 4 two members from the timber industry that were 18:49:09 5 on the recovery team, and we also had two 6 members from the conservation community. 7 So there were 12 members. They were 8 selected in accordance with our policy to be 9 able to do that. And so that's the team. 18:49:21 10 And we deliberated for almost 30 different 11 times. Many of those times we met in person 12 for two and three days at a time. Other times 13 we did have conference calls where we got 14 together, and we had extensive conference calls 18:49:34 15 to go over information and ideas and concepts 16 that we worked on. 17 We also did conduct three different 18 scientific panels and manager panels. We 19 wanted to get the input from the scientists, 18:49:44 20 that we wanted to try to base this on the best 21 available science and the most current science. 22 So we did have panels that were scientists that 23 helped us identify the threats and the actions 24 and the criteria that needed to be done. 18:49:58 25 Again, we were building from the existing

13

18:50:00 1 framework from the 1992 draft and from the  
 2 Northwest Forest Plan. And time and time again  
 3 it came up with the notion of large blocks of  
 4 habitat for reserves for the owl was something.  
 18:50:12 5 that was very important. So we looked at that  
 6 and tried to keep that as a concept throughout  
 7 both option one and option two. And I'll  
 8 describe those here in a minute.  
 9 And we did commit to doing peer review.  
 18:50:25 10 Some of the portions, primarily the biological  
 11 background now, has been peer-reviewed by the  
 12 scientists that were most involved in the  
 13 biology, but we also will be doing peer review.  
 14 We're in the process of doing that. We  
 18:50:37 15 committed to doing that during the development  
 16 of the recovery plan, and I'll describe that  
 17 also in another minute. There's another slide  
 18 on that.  
 19 So what are the objectives of this plan?  
 18:50:46 20 It's pretty much the kind of things that you  
 21 see in other recovery plans, where, first of  
 22 all, you're talking about populations. You got  
 23 to have sufficient numbers of the northern  
 24 spotted owl, and those populations need to be  
 18:50:56 25 well distributed throughout the range.

14

18:50:58 1 So, first of all, you've got to have the  
 2 populations. Second of all, you've got to have  
 3 the habitat that will support them. Much has  
 4 been made about the barred owl, and I'll talk  
 18:51:07 5 about that in a minute, but we don't want to  
 6 lose sight of the fact that habitat is  
 7 critically important. And we need to make sure  
 8 that we got the habitat and adequate habitat  
 9 protected to protect recovery of the owl.  
 18:51:18 10 And, third of all, we have to look at the  
 11 threats. What are the threats that are  
 12 affecting the owl and what are the things that  
 13 we need to address that will reduce those  
 14 threats and minimize the impact those threats  
 18:51:28 15 are having on the owl so that we can eliminate  
 16 them in the foreseeable future?  
 17 One of the things in this recovery plan  
 18 that's highlighted that hasn't been highlighted  
 19 in the past is the impact that the barred owl  
 18:51:40 20 has had on the northern spotted owl. It was  
 21 identified through the scientific panels as the  
 22 threat that was the largest that we had at this  
 23 time. There's a recovery plan -- there's a  
 24 recovery plan portion of the plan that has  
 18:51:55 25 priorities assigned to the recovery actions.

15

18:51:57 1 The actions associated with the barred owl  
 2 were the only ones that received priority one,  
 3 which means those actions necessary to  
 4 eliminate the likelihood that the bird could go  
 18:52:08 5 extinct. So the actions associated with barred  
 6 owl were our number one priority. Habitat of  
 7 course continues to be important, but the  
 8 barred owl was number one. Habitat loss and  
 9 adverse modification, as this says, continue to  
 18:52:21 10 be a problem, but we also wanted to deal with  
 11 that.  
 12 Specifically, the barred owl, I mean  
 13 there's been a lot of information about barred  
 14 owls and the impact that they have, and one of  
 18:52:32 15 the recommendations that we have in the  
 16 recovery plan is to form a working group of  
 17 scientists and managers that will help us to  
 18 inform us of the kinds of research that needs  
 19 to be done and the kind of management that  
 18:52:44 20 needs to be done, where any of these kinds of  
 21 actions should be taken, how often they should  
 22 be taken, when they should be done, and so on  
 23 and so forth, so we can get a handle on what's  
 24 happening with regard to the barred owl.  
 18:52:55 25 Clearly we need to do some research. We

16

18:52:57 1 need to make sure we understand what it is  
 2 we're proposing to recommend and that it's  
 3 scientifically sound and credible before we  
 4 would go forward with it.  
 18:53:06 5 There is some recommendation in the plan  
 6 for some experimental removal of owls. There's  
 7 some preliminary indication in Appendix G, if  
 8 you've had a chance to read it. It talks about  
 9 at least one study that we know of where they  
 18:53:17 10 have removed owls, and the response from  
 11 spotted owls that were in the area is  
 12 significant, and the owls have come back. So  
 13 it's an important element that we think is  
 14 critical for us to work on to ensure that the  
 18:53:29 15 owl is recovered.  
 16 So now you look at populations, threats,  
 17 and numbers. Now we get to habitat. Clearly  
 18 one of the most important things is to be able  
 19 to maintain habitat, and this recovery plan  
 18:53:43 20 talks about two different options on how you  
 21 would protect those habitat. Option one was  
 22 the one that was originally prepared by the  
 23 recovery team, and it falls pretty much on the  
 24 previous kinds of stuff that was done:  
 18:53:56 25 Establish reserves. If you looked at the maps

17		19	
18:53:59	1 at the entrance when you came in, option one is	18:56:07	1 concept, so without doing it, what we
	2 fixed reserves. There's lines on the map, you		2 encouraged the recovery team to do through a
	3 know where those lines are, and they're		3 support group that we had was to look at how
	4 fairly -- they're clearly articulated and		4 would you put that on the ground? What would
18:54:09	5 delineated.	18:56:15	5 it look like? So we wanted to provide an
	6 These outlined areas are called managed		6 example of what it would look like on the
	7 owl conservation areas. Everybody has to have		7 ground.
	8 an acronym. If you're familiar with the		8 So option two that's in the recovery plan
	9 literature, you've heard about DCAs, designated		9 is just an example. It's not necessarily how
18:54:20	10 conservation areas. This is a DCA, a	18:56:24	10 it would look on the ground, but it's taking
	11 conservation area. This is essentially an		11 those concepts, taking that rule set, and
	12 evolution of that concept where we're talking		12 putting it on the ground so that you could see
	13 about managed owl conservation areas, where we		13 visually what it would look like following that
	14 would have, like I said, fixed reserves with		14 rule set.
18:54:30	15 lines established on a map.	18:56:35	15 And in the example that's in the plan,
	16 The MOCAs in the option one total about		16 it's just under 7 million acres. So that's the
	17 7.7 million acres. So it's a sizable amount of		17 total amount of land that's established under
	18 habitat that's set aside. Under option two, it		18 option two. And again, as I said, it's
	19 also recognizes the need for habitat blocks,		19 strictly an example.
18:54:48	20 for large habitat blocks, but it doesn't	18:56:47	20 It's important to recommend -- realize
	21 specifically prescribe where those habitat		21 that under both those options, both option one
	22 blocks are.		22 and option two, much of the recovery plan is
	23 In our review of the literature and of our		23 the same. They specifically talk about
	24 science, we looked at how large a block of		24 establishing the MOCAs or the habitat blocks in
18:55:00	25 habitat needed to be available to support 20	18:57:02	25 ten of the twelve provinces that the owl
18		20	
18:55:03	1 pairs of owls? How many did they need to be?	18:57:04	1 occurs. It does include less land than the
	2 How far apart should they be? So in doing that		2 Northwest Forest Plan places in reserves, but
	3 analysis, we developed a rule set. So option		3 there are other areas.
	4 two provides a set of rules for land managers		4 The Northwest Forest Plan, again, as I
18:55:16	5 to use to establish these reserves on the	18:57:13	5 said, you talk about many more species, but
	6 ground.		6 just because it has less land in the reserves
	7 So these areas would be established. It		7 doesn't mean that it's less protected. The
	8 would be clearly articulated where they were,		8 MOCAs contain only federal land and only about
	9 but they would differ from the first option in		9 1 percent in the matrix lands.
18:55:29	10 that they aren't prescribed by the recovery	18:57:29	10 So what are the specific criteria that we
	11 plan, but left to local managers who perhaps		11 would know when we get to the -- to be able to
	12 know the land better and know where the owls		12 delist the species? First of all, it would be
	13 are a little bit better than we might know		13 a stable or increasing population. One of the
	14 through our work. And it's a recommendation		14 frequent questions that I get is, how many owls
18:55:40	15 that this rule set be used to guide how those	18:57:41	15 do we need? Well, trying to determine the
	16 particular habitat blocks are established.		16 exact number of owls is a very expensive and
	17 If you look at how those blocks are		17 very difficult thing, so what we looked at is
	18 established and where they're established, you		18 establishing a trend. Can we establish a
	19 actually could have more or less land than		19 stable or increasing trend over a ten-year
18:55:52	20 associated with option one. It's possible that	18:57:55	20 period?
	21 you could get more, depending upon where you		21 Is that population well distributed? It's
	22 start, how many different of those blocks you		22 important that we don't have those owls
	23 put, and how often you followed the rule set.		23 concentrated in just a couple of the provinces,
	24 But in order to have a comparison, it's		24 but they, in fact, be well distributed
18:56:04	25 difficult for folks to try to grasp that	18:58:04	25 throughout the historic range of the bird; that

21		23	
18:58:07	1 there is sufficient habitat that's protected in 2 these conservation areas, be it in MOCAs or be 3 it in some habitat block under option two; that 4 the threats from the barred owl are	19:00:17	1 professional societies to conduct reviews of 2 the science and the actual plan itself. We're 3 using the Society of Conservation Biology and 4 the American Ornithological Union. Those
18:58:18	5 specifically managed; and three, that 6 monitoring is established. 7 One of the criteria of the Endangered 8 Species Act is to ensure that a monitoring 9 system is in place when you delist any species	19:00:28	5 contracts were issued right as soon as the plan 6 was basically out, and we hope to have that 7 information back. Each of those societies will 8 be providing us with two separate reviews, so 9 we'll have a total of four reviews from there.
18:58:30	10 to make sure you can continue to keep your 11 finger on the pulse of the species, to make 12 sure it's not necessary for relisting the 13 species. 14 It's important to recognize that in both	19:00:42	10 And also during the development of the 11 recovery plan, we used a lot of information 12 from scientists. Some of it is new information 13 that we recognized and put caveats in the plan 14 about, but we've directed questionnaires to
18:58:40	15 of those options this recovery plan identifies 16 37 specific actions that are necessary for the 17 recovery of the species. Those actions fall 18 into four basic categories: 19 First of all, management actions. What	19:00:59	15 those scientists and asked them to ensure that 16 we've used the science correctly. Have we 17 interpreted it correctly, or do they have other 18 comments that they'd like to make? 19 So we're anxious to get those reviews
18:58:54	20 kind of actions would land managers do? How 21 would they manage for breakthroughs in stands 22 or how would they manage for after a fire? 23 Those kind of management actions. 24 The second would be research actions. Are	19:01:10	20 back, and hopefully that will inform us as we 21 go to developing the final plan, as well as 22 certainly all the comments from tonight and 23 other public meetings that we've had. 24 So, next steps. Basically just a summary
18:59:06	25 there particular research needs that need to be	19:01:22	25 of sort of where I started out with. The draft
22		24	
18:59:09	1 identified to be able to further inform 2 managers about what actions need to be taken? 3 There are regulatory actions. Certainly 4 in this day and age it's important to look at:	19:01:25	1 was published last month. And we're conducting 2 these public meetings. Again, like I said, 3 we've got two in Oregon, one in California, and 4 tomorrow night in Washington.
18:59:22	5 Are there revisions or modifications or perhaps 6 new regulations that need to be developed to 7 ensure that the owl is protected and the 8 recovery is ensured? 9 And last, again, monitoring actions. You	19:01:39	5 The peer review is under way. We hope to 6 have that completed. The contract indicated we 7 should have that in to us by the 25th of June. 8 And again, we hope to finalize the plan by 9 April of 2008.
18:59:34	10 got to be able to monitor what's going on as a 11 result of these multiple actions. 12 So how long will this take and about how 13 much money? The recovery plan anticipates 14 that, if all of the actions were implemented	19:01:50	10 If you got a comment card, there's 11 information on the comment card as to where you 12 can send your comments. If you didn't pick up 13 that card, there's a little card out on the 14 table. Be sure to get that, but it contains
18:59:49	15 and fully implemented, it could be done in as 16 few as 30 years and an estimate is about just 17 under \$200 million. 18 One of the things that we committed to as 19 a team and as a service through the beginning	19:02:01	15 this information. Bob's going to give you that 16 information again. But it's important to be 17 able to make sure that you get us that 18 information, because we are truly interested in 19 hearing everyone's comments.
19:00:04	20 was to have peer review. It was important for 21 us to make sure that the scientists have an 22 opportunity to provide that. So we're doing 23 two different approaches to peer review, two 24 different processes.	19:02:11	20 So with that, I'll turn the meeting back 21 over to Bob. Thank you. 22 MR. RUESINK: Thank you, Dave. 23 Notice of this public meeting was 24 published in the Federal Register on April 26,
19:00:14	25 First of all, we have contracted with two	19:02:26	25 2007, beginning on page 20865. As Dave

25		27	
19:02:33	1 mentioned, currently the public comment period	19:05:04	1 issues raised during the comment period,
	2 on this draft recovery plan ends at the close		2 including at this hearing, will be published in
	3 of business on Monday, June 25th, 2007. All		3 the final notice for the recovery plan. We
	4 comments must be received by that time. Notice		4 will not respond to questions that are posed in
19:02:48	5 will be given if the comment period is	19:05:17	5 your comments.
	6 extended.		6 Keep in mind that the reporter will not
	7 After review and consideration of your		7 record any statements that are made from the
	8 comments and all other information gathered		8 audience or statements that are made to the
	9 during this comment period, the Fish and		9 audience. Comments need to be made into the
19:03:00	10 Wildlife Service will publish a final recovery	19:05:33	10 microphone, facing the front of the room.
	11 plan.		11 We have several displays outside the room,
	12 The purposes of this session are twofold:		12 as previously mentioned, and also staff members
	13 One, to provide information on the draft		13 there that are available to answer questions or
	14 recovery plan; and, two, to receive your		14 address any concerns or comments that you may
19:03:14	15 comments. Comments on all aspects of the draft	19:05:52	15 have about the draft recovery plan. Please
	16 plan are very important and will be carefully		16 feel free to go back and forth, though I would
	17 considered. Because of the importance of your		17 ask that you be considerate of the speakers and
	18 comments, it is necessary that we follow		18 the recorder when you're leaving and when
	19 certain procedures here this evening.		19 you're coming back into this room.
19:03:28	20 If you want to present oral comments at	19:06:08	20 Instead of presenting oral comments here
	21 this session, please register at the table		21 this evening, or in addition to oral comments,
	22 outside the room. When you register, indicate		22 you may submit comments in writing. Written
	23 any agency or organization that you are		23 comments may be submitted to the staff at the
	24 representing in your comments. When you're		24 registration table or they may be mailed to the
19:03:45	25 called to present your comments, please come	19:06:22	25 Fish and Wildlife Service. That address is
26		28	
19:03:47	1 forward to a microphone in front. Begin your	19:06:25	1 available on the card that Dave previously
	2 presentation by stating your full name, spell		2 referred to. These cards are available outside
	3 it, and indicate if you are representing an		3 the room at the registration table.
	4 agency or organization.		4 You may also submit comments by fax, by
19:03:59	5 If you're reading comments, please take	19:06:41	5 courier, e-mail, or over the Internet. And
	6 care to read them slowly and clearly enough for		6 again, details of how you do that with those
	7 the court reporter to understand and accurately		7 different methods are available on the card.
	8 transcribe them for the record. And I should		8 Please pick one up at the information table.
	9 have mentioned we do have a court reporter here		9 Written comments are given the same
19:04:14	10 this evening to get all of your comments and	19:06:58	10 consideration as any oral comments that we
	11 statements down as accurately as possible for		11 receive here this evening.
	12 the record that will be examined before		12 A number of people have indicated they do
	13 finalizing this recovery plan.		13 wish to present comments, and so I would ask
	14 Also, if you do have a copy, I'm sure that		14 speakers that they try to hold their statements
19:04:30	15 the reporter would appreciate a copy of your	19:07:12	15 or their comments to about four minutes. That
	16 comments that you present here this evening.		16 may make it necessary for you to summarize your
	17 This is an informal meeting. You will not		17 comments here this evening and then submit the
	18 be questioned in connection with your comments.		18 complete version in writing sometime following
	19 Your comments or questions, again, are being		19 this meeting.
19:04:48	20 recorded by the reporter to preserve them for	19:07:31	20 At this point we are ready for our first
	21 the record.		21 speaker. Mr. Bob Sallinger, would you come to
	22 We presume that any comment -- any		22 the microphone, state your name, spell for it
	23 questions that you raise in your comments are		23 the record, and indicate if you are
	24 for the record, and the Fish and Wildlife		24 representing an organization or an agency.
19:05:01	25 Service's formal response to questions and	19:07:48	25 MR. SALLINGER: Good evening. My name is

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19:07:50 1 Bob Sallinger, S-A-L-L-I-N-G-E-R. I'm  
 2 conservation director for the Audubon Society  
 3 of Portland. Portland Audubon has been working  
 4 on spotted owl issues since the mid 1980s. I'm  
 19:08:02 5 here tonight to testify on behalf of our 10,000  
 6 members in the Portland metropolitan area.  
 7 It has been nearly three decades since the  
 8 Supreme Court determined in TVA v. Hill that  
 9 the plain language in the Endangered Species  
 19:08:16 10 Act shows clearly that Congress viewed the  
 11 value of endangered species as incalculable.  
 12 The court wrote that Congress has spoken in the  
 13 plainest of words, making it abundantly clear  
 14 that the balance has been struck in favor of  
 19:08:26 15 affording endangered species the highest of  
 16 priorities, thereby adopting a policy described  
 17 as, quote, "institutionalized caution,"  
 18 unquote.  
 19 Today we have before us a recovery plan  
 19:08:36 20 that ignores that mandate, that substitutes  
 21 political manipulation for sound science, that  
 22 minimizes the most urgent threats facing the  
 23 owl in favor of expedient scapegoats, which  
 24 further imperils the species, which continues  
 19:08:50 25 to see declines throughout its historic range.

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19:08:52 1 If adopted, this plan would jeopardize not only  
 2 the spotted owl but also the old-growth  
 3 ecosystems on which they depend and, with them,  
 4 a host of other fish and wildlife species,  
 19:09:02 5 clean water, and a natural legacy that is the  
 6 birthright of future generations.  
 7 We oppose both option one and option two  
 8 in the draft recovery plan for several reasons:  
 9 First, development of the recovery plan  
 19:09:15 10 was derailed by political interference. The  
 11 science-based recommendations of the recovery  
 12 team that was assembled to develop the plan  
 13 were replaced by new and different  
 14 recommendations developed by high-level  
 19:09:25 15 political appointees.  
 16 Second, the plan ignores overwhelming  
 17 science and plain common sense in describing  
 18 the barred owl as the only issue given highest  
 19 priority in the plan. The spotted owl was  
 19:09:36 20 listed under the ESA and continues to see  
 21 population declines specifically because of  
 22 widespread loss and adverse modification of  
 23 suitable habitat. Competition from barred owls  
 24 may well need to be addressed on an interim  
 19:09:49 25 basis until spotted owl populations can be

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19:09:51 1 returned to health, but unless critical habitat  
 2 needs are adequately addressed, barred owl  
 3 control will be nothing more than a sad and  
 4 pathetic footnote on the road to spotted owl  
 19:10:02 5 extinction.  
 6 Third, both options one and two reduce  
 7 existing habitat protection for spotted owls.  
 8 Option one has been estimated to reduce  
 9 protections for existing spotted owl habitat by  
 19:10:12 10 up to 27 percent. Option two would reduce  
 11 these protections even further and rely upon a  
 12 shifting mosaic approach that -- creating  
 13 uncertainty and leaving specific habitat  
 14 protections to vagaries of the national forests  
 19:10:29 15 and BLM, the very agencies that led to spotted  
 16 owl declines in the first place.  
 17 At a time when spotted owl populations in  
 18 Washington are declining at a rate of 7 percent  
 19 a year and populations in British Columbia may  
 19:10:40 20 be nearing extinction, reducing habitat  
 21 protections is not a recipe for recovery; it's  
 22 a recipe for disaster.  
 23 We urge you to reject both option one and  
 24 option two. We urge you to maintain the  
 19:10:52 25 current protections that are in place for

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19:10:54 1 spotted owls until the recovery plan can be  
 2 redone based upon the best available science  
 3 and through a process that is free from  
 4 political manipulation. We urge you to adopt  
 19:11:02 5 the type of institutionalized caution that is  
 6 mandated under the Endangered Species Act to  
 7 ensure that future generations inherit a world  
 8 that retains old-growth forests and the species  
 9 which depend on them.  
 19:11:13 10 Thank you for your consideration of these  
 11 comments.  
 12 MR. RUESINK: Thank you, Mr. Sallinger.  
 13 Our next speaker is Christine Caurant.  
 14 MS. CAURANT: Hi. My name is Christine  
 19:11:29 15 Caurant. I work for Oregon Wild. I'm the  
 16 wildlands advocate there.  
 17 MR. RUESINK: Excuse me. Would you spell  
 18 your name for the record, please.  
 19 MS. CAURANT: I'm sorry. Caurant,  
 19:11:38 20 C-A-U-R-A-N-T. My first name is Christine,  
 21 C-H-R-I-S-T-I-N-E.  
 22 MR. RUESINK: Thank you.  
 23 MS. CAURANT: You're welcome.  
 24 So the reason for these new recovery plans  
 19:11:48 25 is that the spotted owl is still in decline,

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19:11:49	1 yet this plan does little to address the needs 2 of the spotted owl to recover from its downward 3 spiral towards extinction. Your proposed plans 4 are inadequate for spotted owl recovery for the	19:14:14	1 this effort is not the recovery of owls but, 2 rather, to open up the remaining old-growth 3 forests in the Pacific Northwest to logging. 4 This would do more than harm owls; it also puts
19:12:02	5 following reasons: 6 The recovery plan developed -- excuse me. 7 The recovery plan development process has been 8 influenced by political pressure from 9 administration appointees in Washington, D.C.	19:14:26	5 important values like salmon and clean water at 6 risk. 7 The recovery team should strongly oppose 8 political interference, and the owl recovery 9 process does not have to be adversarial and
19:12:17	10 This influence has resulted in plans that, one, 11 promote fewer protections for owl habitat than 12 the Northwest Forest Plan, a plan that was 13 initiated when spotted owls were in better 14 shape than they are today. This is	19:14:40	10 politically tainted. Owl recovery can result 11 in a win-win for both owls and people if the 12 government would adopt a plan that protects all 13 remaining mature and old-growth forests while 14 shifting logging to thinning of dense
19:12:32	15 unacceptable because the spotted owl faces new 16 threats such as climate change and the barred 17 owl. 18 The spotted owl is losing access to some 19 of its habitat due to forest fires and barred	19:14:55	15 plantations. 16 Thank you. 17 MR. RUESINK: Thank you. 18 Marianne Nelson, you're our next speaker. 19 MS. NELSON: M-A-R-I-A-N-N-E, N-E-L-S-O-N.
19:12:45	20 owls, so the spotted owl needs more habitat 21 protection, not less. If your goal is to 22 return the spotted owl to healthy population 23 levels, then please start over and include more 24 protections for spotted owl habitat and	19:15:08	20 I find it hard to believe that I'm 21 standing here speaking to you tonight. Saving 22 the northern spotted owl has been a complex 23 issue with much emotion on both sides, but as a 24 resident of the Pacific Northwest, I wanted to
19:13:00	25 restoration of habitat loss due to logging of	19:15:20	25 understand the issue, so I read the draft
34		36	
19:13:05	1 old-growth forests. 2 The influence of administration appointees 3 has also resulted in plans that deemphasize the 4 role of habitat. This is misleading. The	19:15:24	1 recovery plan for myself. But I only got as 2 far as the executive summary before I was 3 appalled. I found it hard to believe what I 4 was reading, and I decided I had to speak out
19:13:16	5 barred owl is a factor in the decline of 6 spotted owls. However, with more and larger 7 habitat reserves, the spotted owl and barred 8 owl may coexist. This plan should not shrink 9 reserves and make the impacts of barred owls	19:15:35	5 as a citizen. 6 It states the most important threat 7 currently facing the spotted owl is competition 8 from the barred owl. Actions associated with 9 addressing the barred owl threat were the only
19:13:28	10 greater. 11 This influence has also resulted in plans 12 that do not limit logging in suitable habitat. 13 There is no scientific evidence that logging in 14 habitat suitable for spotted owls is actually	19:15:49	10 ones given the highest priority in this plan. 11 Pardon me? You could completely 12 exterminate the barred owl and, if there were 13 not suitable habitat for the spotted owl, it 14 could not survive. Suitable habitat has to be
19:13:42	15 beneficial to them. What is scientifically 16 understood is that spotted owls -- spotted owls 17 prefer old-growth forests with high canopy 18 enclosure and complex structure, including 19 downed logs and snags. Logging always	19:16:04	15 the highest priority. How on Earth could 16 competition from barred owls become the highest 17 priority in the plan? What did the stakeholder 18 recovery team recommend? 19 Then I discovered that the recovery plan
19:13:58	20 simplifies the habitat, thus making it less 21 suitable for owls. 22 Through its intervention in this process, 23 the Bush administration is trying to roll back 24 the clock and put logging before conservation.	19:16:17	20 reverses the conclusions of the recovery team, 21 which did recommend making habitat protection 22 the top priority. A Washington oversight 23 committee rejected their draft? This is foul 24 play in America. There should not be political
19:14:11	25 As written thus far, it appears the goal of	19:16:34	25 interference in science investigation.

19:16:37 1 There are two options, but the problem is  
2 that both options reduce spotted owl habitat  
3 protections below the level set in the landmark  
4 Northwest Forest Plan adopted in 1994. So if  
19:16:50 5 either of these were adopted, it would be a  
6 step backward. I ask you, how can a step  
7 backward be a recovery plan?  
8 Both of these option should be rejected.  
9 The 1994 protections should be retained until a  
19:17:05 10 new recovery plan can be developed that is not  
11 tainted by political interference.  
12 Unfortunately, the approach of the  
13 recovery plan is similar to the U.S.  
14 government's previous stance on global warming.  
19:17:18 15 It denied all the science, looking only at  
16 political objectives, until so many scientists  
17 spoke out the truth that science could no  
18 longer be denied. Science should not be  
19 manipulated for special interests.  
19:17:31 20 The barred owl issue is just a red herring  
21 to distract us from the science of the real  
22 issue, a very hard issue we don't want to face.  
23 Old-growth forests are what the spotted owl  
24 needs to survive. And ancient forests are not  
19:17:49 25 just beneficial to the spotted owl; they

19:17:51 1 provide us with clean water, healthy salmon,  
2 and wildlife populations, open space, and  
3 recreation for us as citizens of the United  
4 States. This is the issue that needs to be the  
19:18:03 5 focus.  
6 I ask you to go back to the drawing board,  
7 start over, and address this very hard issue.  
8 Thank you.  
9 MR. RUESINK: Thank you, Ms. Nelson.  
19:18:15 10 Carol Chandler?  
11 MS. CHANDLER: I just registered because I  
12 thought they needed to know I was there.  
13 MR. RUESINK: Okay. I'll set your card  
14 aside. We'll give you a chance later on if you  
19:18:30 15 change your mind. Okay. Thank you.  
16 Ryan Hunter?  
17 MR. HUNTER: My name is Ryan Hunter,  
18 H-U-N-T-E-R. I am the program director for the  
19 Gifford Pinchot Task Force. We're a nonprofit  
19:18:47 20 organization that focuses on southwest  
21 Washington. We have approximately 3,000  
22 members stretched between Portland and Olympia.  
23 My comments this evening: It's clear,  
24 based on the interference that occurred in the  
19:19:01 25 Washington, D.C. office of Fish and Wildlife

19:19:02 1 Service with this plan, that this is a  
2 political document, not a scientific document.  
3 It's yet another example of the Bush  
4 administration manipulating and interfering  
19:19:14 5 with science to achieve political objectives.  
6 We recommend that this plan be rejected in its  
7 entirety, that the Fish and Wildlife Service  
8 start anew on a new plan with a new process,  
9 and this time that it be based on science and  
19:19:31 10 not politics.  
11 We believe that a plan, based on science,  
12 will include old-growth habitat as the highest  
13 priority for recovery of the owl, will include  
14 large and scientifically credible reserves, and  
19:19:51 15 it would increase, not reduce, existing  
16 protections. Thank you very much.  
17 MR. RUESINK: Thank you, Mr. Hunter.  
18 Robin Sherwin.  
19 MS. SHERWIN: It's Robin, R-O-B-I-N, like  
19:20:10 20 the bird. Last name is Sherwin, S-H-E-R-W-I-N.  
21 First of all, I'd like to thank you for  
22 the opportunity to speak, but I agree with the  
23 people that have spoken just before me, that  
24 this is a bigger issue than the barred owls.  
19:20:24 25 My understanding of the Endangered Species Act

19:20:26 1 is we pick an indicator species to reflect the  
2 health of an ecosystem, and killing a bird is  
3 not saving an ecosystem. It's the fact that  
4 these ancient forests belong to all of us, and  
19:20:40 5 it's the ancient forests that are endangered;  
6 that we do not have the right to take what  
7 little is left from our children.  
8 I knew a person who was a manager of one  
9 of the national forests. He says that timber  
19:20:52 10 theft is rampant, we have no real inventories,  
11 and for us to diminish what inventory we have  
12 is unforgivable. And I also don't see how we  
13 can expect other countries around the world to  
14 save their endangered species when we can't  
19:21:09 15 even protect our own.  
16 We have for set an example to the world  
17 that habitat is important, because it's loss of  
18 habitat that is endangering most of the animals  
19 on this planet. And we need to remember that  
19:21:20 20 we are dependent on the ecosystems as well.  
21 So, that's it.  
22 MR. RUESINK: Thank you.  
23 Peter Hayes.  
24 MR. HAYES: Thank you, and good evening.  
19:21:42 25 Peter Hayes, H-A-Y-E-S. And I'm speaking as a

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19:21:47	1 private individual.	19:23:59	1 things: One, it would have to actively engage
	2 First, my basis for caring and commenting.		2 those of us who grow forests for a living as an
	3 My family and I have a strong commitment to		3 important part of conserving the health of the
	4 conservation. We also earn our living growing		4 land; secondly, it would have to move beyond a
19:21:58	5 and managing and owning forest lands in the	19:24:09	5 single species focus to a more holistic
	6 Coast Range to the west of Portland. Our		6 ecosystem-based focus that would be focused on
	7 involvement with Northwest forests spans six		7 maintaining and restoring biodiversity, not
	8 generations. We have 800 acres, much of which		8 just a single species.
	9 is older, more complex habitat. We have owls		9 So in conclusion, you need us. We want to
19:22:12	10 directly to the west of our lands on state	19:24:21	10 help. Develop policies that makes the growing
	11 lands. Though I respect and appreciate the		11 of complex habitat something a rational person
	12 work that has gone into this plan, I recommend		12 would choose to do. Thank you.
	13 rejecting all options. I have a series of		13 MR. RUESINK: Thank you, Mr. Hayes.
	14 concerns, but will comment on one.		14 Jim Robison.
19:22:25	15 There have been serious unintended	19:24:38	15 MR. ROBISON: My name is Jim Robison.
	16 consequences of owl policy over the last 15		16 That's R-O-B-I-S-O-N.
	17 years. The message the policy has sent to		17 I just wanted to comment quickly that,
	18 those of us who own forest land is if you own		18 first of all, we need to ensure that whatever
	19 older, more complex forests, you are at risk of		19 recovery plan is adopted is based on real
19:22:38	20 being prevented from harvesting or making a	19:24:52	20 science, and we have a government that is no
	21 living. This has been most acute for those of		21 longer following science. So I want to be sure
	22 us who are family forest landowners because our		22 that the science that is necessary for the
	23 forests are often relatively small size, and		23 actual recovery of the owls is what is used,
	24 owl circles could make a significant impact on		24 and that needs to be thoroughly examined.
19:22:51	25 our ability to continue to make a living from	19:25:05	25 One of the major aspects required for
42		44	
19:22:54	1 running our lands.	19:25:07	1 recovery would be habitat protection for the
	2 This policy has had two serious unintended		2 spotted owls, and the habitat protection
	3 consequences. One is that landowners have made		3 includes a lot of habitat that will protect
	4 the rational choice to harvest older, more		4 other species as well. Unfortunately, what
19:23:06	5 complex stands or have chosen not to grow	19:25:19	5 I've seen too often is people calling for
	6 older, more complex habitat. The second		6 something that sounds like what would occur
	7 consequence is private forest owners have		7 under option two, which is draw a circle around
	8 shifted away from being advocates and allies of		8 owls that exist and say, "We're going to
	9 conservation and toward to being impediments		9 protect the area around this pair of owls, and
19:23:19	10 both to owl recovery in particular and	19:25:32	10 everything outside of that can just fall
	11 conservation in general.		11 apart."
	12 Policy has created incentives for doing		12 But if you don't protect everything beyond
	13 what's not in the public interest to do --		13 that, you're not going to have any recovery at
	14 liquidate habitat -- and has penalized those of		14 all because you will simply protect the ones
19:23:30	15 us who would like to do what's in the public	19:25:41	15 that are there until they die, and then you'll
	16 interest, which is to create older, more		16 no longer protect them.
	17 complex habitat. The focus on a single		17 One of the concerns that I see in terms of
	18 species, the owl, has jeopardized habitat for		18 the barred owl competition is, why are the
	19 many other species in the Pacific Northwest.		19 barred owls moving into the areas where they
19:23:44	20 While the plan does acknowledge these	19:25:56	20 compete with spotted owls? Well, my initial
	21 problems and suggests steps to address them, my		21 take on it, not being a wildlife biologist, but
	22 feeling is they are not forceful enough, well		22 my initial understanding of it would be that
	23 thought out enough, realistic enough to really		23 the reason they're moving in is because the
	24 make a significant difference.		24 habitat has changed and the habitat has become
19:23:57	25 A successful plan would have to have two	19:26:09	25 something that's more beneficial to the barred

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19:26:11 1 owls and less supportive of the spotted owls.  
 2 If we ensure that that habitat is protected so  
 3 that the spotted owls remain, then they won't  
 4 have the competition from the barred owls.  
 19:26:23 5 Think about, for example, on one of the  
 6 displays outside it mentions that spotted owls  
 7 in dense forest cover mostly rely on flying  
 8 squirrels for predation, and on edge areas they  
 9 have different food source. Well, consider the  
 19:26:38 10 fact that those barred owls are probably  
 11 more -- more able to compete in those edge  
 12 forest areas where there's been clear cuts and  
 13 where they can move into, then they begin  
 14 competing with the spotted owls in the areas  
 19:26:52 15 that have been reduced in size. So if you  
 16 would increase the protection of the areas for  
 17 the spotted owls, you would reduce that  
 18 competition from the barred owls.  
 19 So I'll just conclude: Rely on science,  
 19:27:03 20 don't rely on selling out to nonscientific  
 21 solutions.  
 22 MR. RUESINK: Thank you for your comments,  
 23 Mr. Robison.  
 24 Marcia Denison.  
 19:27:27 25 MS. DENISON: Hello. My name is Marcia

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19:27:29 1 Denison. I'm the director of Pacific  
 2 Rainforest Wildlife Guardians.  
 3 MR. RUESINK: Excuse me. Could you spell  
 4 your name for the record, please.  
 19:27:38 5 MS. DENISON: M-A-R-C-I-A, D-E-N-I-S-O-N.  
 6 MR. RUESINK: Thank you.  
 7 MS. DENISON: The threat of extinction  
 8 is -- is caused by human activity, a hundred to  
 9 a thousand times the natural rate. Where was  
 19:27:51 10 the Bush administration when the Earth and all  
 11 the creatures evolved, that they knew so much  
 12 about how to create species habitat that Mother  
 13 Earth does -- than Mother Earth does? The  
 14 recovery strategy the owls need is to back off  
 19:28:07 15 of their habitat and leave them alone more.  
 16 There must be bigger reserves and reserves on  
 17 state lands, subsidizing counties for any lost  
 18 timber revenue from federal funds, minus funds  
 19 already granted for schools.  
 19:28:21 20 Federal reserves are bordered and  
 21 connected to state and private lands. Federal  
 22 land protections have been inadequate and, to  
 23 make things worse, they have mistakenly been  
 24 recommended for state and private forests  
 19:28:35 25 without the large blocks of old growth and

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19:28:38 1 second growth and higher populations of owls.  
 2 U.S. Fish and Wildlife's agreement with  
 3 the State of Oregon allows active nest cores to  
 4 be logged right up to the nest tree, like at  
 19:28:51 5 Rip Tide and Albique, though the Endangered  
 6 Species Act says not to, the ESA. Often they  
 7 are the holy federal land spotted owls or their  
 8 young that are being taken. No state  
 9 corporate -- cooperative agreement can preempt  
 19:29:11 10 the Endangered Species Act.  
 11 The whole agreement with the state must be  
 12 brought in line with the ESA. Harassment and  
 13 adverse cumulative effects must be  
 14 determinative factors of whether an agency can  
 19:29:27 15 be active or not. Harassment and pursuit by  
 16 logging activities take spotted owls,  
 17 interfering with breeding and shelter, like  
 18 near Cougar Monster and Wakefield. Logging too  
 19 close to activity centers causes blow-down that  
 19:29:41 20 destroys nests in the shower of falling trees,  
 21 like a nest site at Hop-n-Home Circle.  
 22 Logging spotted owl habitat encourages  
 23 barred owls to take over, who, by the way, are  
 24 not predators of spotted owls but intermittent  
 19:29:57 25 competitors. If you wish to blame barred owls,

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19:30:00 1 then don't spin -- don't thin spotted owl nests  
 2 in suitable habitat.  
 3 Uh-oh. There we go.  
 4 U.S. Fish and Wildlife must stop approving  
 19:30:15 5 take and start making recommendations to avoid  
 6 take on a site-by-site basis. Spotted owl  
 7 clusters must be enlarged, leaving them and  
 8 wide migration corridors alone for other  
 9 purposes than logging and road building. Thin  
 19:30:32 10 only within one mile of and between owl circles  
 11 and clusters, using partial shade to control  
 12 vegetation. There must never be herbicide used  
 13 within a mile of spotted owl habitat. Some  
 14 types impair development of fledglings,  
 19:30:46 15 contaminate species of the food chain and  
 16 poison adults, staying in the fat layer until  
 17 burned during bad winters when survival is  
 18 already tenuous.  
 19 U.S. Fish and Wildlife must stop approving  
 19:31:00 20 logging within 70 acre cores like at Rip Tide,  
 21 1,000 Sale, and Boulder Creek, and start making  
 22 suggestions that would benefit the owl, while  
 23 allowing thinning and -- of highly flammable  
 24 young stands that threaten spotted owl habitat.  
 19:31:19 25 The purpose of the ESA is recovery, not

49		51	
19:31:22	1 logging.	19:33:56	1 spotted owl recovery plan recently released by
	2 There is only one documented case where a	2	2 the Bush administration. But it's particularly
	3 spotted owl actually nested in a thin. Only	3	3 disappointing for me to be here today and have
	4 one. Use of the thins by spotted owls for	4	4 to repeat basically the same comments I made on
19:31:32	5 breeding is otherwise unheard of, having no	19:34:07	5 August 9, 2006, at the spotted owl recovery
	6 follow-up surveys to show otherwise. Owls can	6	6 team listening post.
	7 never recover when U.S. Fish and Wildlife	7	7 At that time many people noted that the
	8 continues to approve timber sales with risks of	8	8 northern spotted owl populations have declined
	9 take.	9	9 from between 40 and 60 percent in the last ten
19:31:47	10 Reserves have been the bulwark -- bulwark	19:34:21	10 years. They pointed out that the new threats
	11 of owl survival, but many have falsely thought	11	11 to the spotted owl's continuing existence,
	12 the owl to be safe in reserves while sharing	12	12 including the West Nile virus and competition
	13 nest cores -- shared nest cores are logged by	13	13 from the barred owl, make it even more
	14 the state. This false sense of security is	14	14 important to retain habitat. And most of us
19:32:05	15 contributing to the demise of the owls as big	19:34:38	15 indeed did come to that conclusion, that these
	16 organizations ignore the fact that owls are	16	16 threats make it so important to preserve the
	17 being picked off at the perimeter of federal	17	17 dwindling old-growth forests that are prime
	18 lands out of control.	18	18 spotted owl habitat.
	19 The State puts the responsibility on other	19	19 The majority of the speakers at that time
19:32:17	20 landowners to provide suitable habitat acreage,	19:34:53	20 also strongly urged the recovery team to base
	21 neglects their duty to avoid take by their	21	21 their recommendations on established science,
	22 actions, overlogs suitable habitat, leaving it	22	22 which continues to emphasize exactly this
	23 up to private landowners to cut the last	23	23 importance of large, mature old-growth forest
	24 habitat, then declares the nest site historic	24	24 reserves and the conservation of the spotted
19:32:32	25 to be clear cut. Boulder Creek, Albique,	19:35:08	25 owl.
50		52	
19:32:37	1 Almaise, 1,000 Sale.	19:35:09	1 The stakeholder recovery team's draft
	2 A lifeless old-growth forest is not much	2	2 report to the Department of the Interior made
	3 better than a lifeless tree farm. There must	3	3 owl habitat protection the top priority.
	4 only be thinning within owl circles, clusters,	4	4 Tragically, that draft report got caught in the
19:32:47	5 and reserves. Light thins within one mile of	19:35:19	5 web of the current administration's rejection
	6 cores, not in cores or reserves unless the	6	6 of established science in favor of special
	7 timber is less than 30 years old. There is no	7	7 interests. A secret political oversight
	8 use of having circles if they are to be clear	8	8 committee, including the recently disgraced
	9 cut.	9	9 Julie MacDonald, who was deputy assistant
19:33:02	10 MR. RUESINK: Can I ask you to kind of	19:35:33	10 interior secretary, rejected the draft report
	11 finish up your comments here? And feel free to	11	11 and directed the team to change the plan
	12 submit the whole comment in writing. So, if	12	12 substantially.
	13 you can finish up here in the next little bit.	13	13 Scientifically unjustified options were
	14 MS. DENISON: That's right where I tore it	14	14 substituted in the new report before us today,
19:33:16	15 in two, and I did it in two pages so I could	19:35:44	15 the opposite of what we were told would happen
	16 submit the other half. Thank you very much.	16	16 back in August 9, 2006. And, most egregious of
	17 MR. RUESINK: Good. Thank you.	17	17 all, the current recovery plan would allow
	18 Our next speaker is Deanna	18	18 reduction of owl habitat by as much as 25
	19 Mueller-Crispin.	19	19 percent.
19:33:37	20 MS. MUELLER-CRISPIN: I'm Deanna	19:36:02	20 Neither option in the report before us
	21 Mueller-Crispin. That's D-E-A-N-N-A,	21	21 today affects, and thus does not protect,
	22 M-U-E-L-L-E-R hyphen C-R-I-S-P-I-N. I bet	22	22 either state or privately owned land. My
	23 that's the longest one you have today. And I	23	23 comments on August -- in August 2006 stressed
	24 represent myself only.	24	24 that owl habitat protections are needed on
19:33:52	25 Thank you for taking comments on the draft	19:36:17	25 state and private land as well as federal lands

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19:36:20 1 if spotted owl populations are to be  
2 stabilized. Both of these options reduce  
3 habitat below levels in the 1994 Northwest  
4 Forest Plan as well.

19:36:31 5 Both options in this draft recovery plan  
6 should be rejected and protections in the  
7 Northwest Forest Plan retained until a new,  
8 truly scientifically based recovery plan can be  
9 developed.

19:36:44 10 The northern spotted owl is our common  
11 heritage. The public supports its protection,  
12 as I'm sure you realize, and any recovery plan  
13 must also support its protection. Thank you  
14 very much.

19:36:59 15 MR. RUESINK: Thank you for your comments.  
16 Regna Merritt.

17 MS. MERRITT: Good evening. My name's  
18 Regna Merritt, R-E-G-N-A, M-E-R-R-I-T-T. And  
19 I'm here representing Oregon Wild, formerly  
19:37:26 20 known as Oregon Natural Resources Council. I'm  
21 representing about 5,000 members and 3,300  
22 activists, who have had long-standing history  
23 of involvement and protection of the owl and  
24 the precious old-growth forests that it relies  
19:37:40 25 upon. I have a few brief comments, and then a

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19:37:46 1 few general statements to make tonight.  
2 I agree with others tonight who have said  
3 that the Bush administration has not created a  
4 plan that will lead to the recovery of the owl,  
19:37:58 5 but has created a plan that will lead to a  
6 death sentence for the owl. They want to roll  
7 back the clock and put logging before  
8 conservation. Both options in the plan are big  
9 steps backward from what we have right now, and  
19:38:13 10 I'd ask you to start over on an owl plan that  
11 protects all suitable habitat and restores what  
12 has been lost.

13 The recovery team is comprised of many  
14 people who are smart and dedicated, and they  
19:38:25 15 should strongly oppose political interference  
16 from the appointees in Bush's Washington, D.C.,  
17 and work towards a genuine recovery plan that  
18 builds on the protections of the Northwest  
19 Forest Plan.

19:38:38 20 The Bush recovery plan, again, is not a  
21 recovery plan. It proposes fewer and smaller  
22 reserves than the Northwest Forest Plan. It  
23 also lowers the restoration target from the  
24 current 80 percent suitable habitat to as low  
19:38:52 25 as 50 percent suitable habitat.

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19:38:55 1 Additionally, the recovery team should  
2 take a stand to oppose BLM's western Oregon  
3 plan revisions, which will pull the rug out  
4 from under the integrated Forest Service-BLM  
19:39:05 5 owl conservation plans. The BLM intends to  
6 eliminate both old-growth reserves and stream  
7 reserves, which will serve to isolate owl  
8 populations on the national forests and make it  
9 much harder for owls to disperse to and from  
19:39:20 10 the Cascades, Coast Range, and Klamath  
11 mountains. Preventing these bad revisions  
12 should be a top priority for the team, on par  
13 with addressing the barred owl.

14 Thirdly, most nonfederal forest owners are  
19:39:35 15 not doing their part to provide owl habitat, as  
16 we heard tonight. So we either need to  
17 significantly strengthen the Forest Practices  
18 Act or increase habitat protection on federal  
19 lands to compensate for the lack of habitat on  
19:39:49 20 industrial forest lands and state lands.

21 Fourthly, salvage logging after fires will  
22 delay recovery of high-quality owl habitat by  
23 killing seedlings, increasing hazardous fuels,  
24 and preventing the development of complex old  
19:40:03 25 forests with abundant legacy structure. For

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19:40:07 1 millennia, forests have rebounded after fire,  
2 and they will continue to do so. Salvage  
3 logging removes the structural legacies that  
4 bridge past and future forests.

19:40:16 5 For instance, abundant dead wood supports  
6 truffles that feed flying squirrels, which are  
7 the primary prey of the spotted owl.  
8 Unsalvaged forests can help provide high  
9 quality forest habitat.

19:40:29 10 In closing, there's another team of smart,  
11 dedicated people out here, and in some ways  
12 it's a farce that we're all here to say the  
13 same things over and over again. I feel badly  
14 about that, but I don't think it's an entire  
19:40:42 15 waste of time because we're building a strong  
16 record, and you have evidence of strong support  
17 from the public for doing a much better job.

18 And I would ask people in the public, too,  
19 to not direct all of your energy toward this  
19:40:55 20 one process, but to call on Senator Wyden to  
21 permanently protect all our remaining mature  
22 and old-growth forests so we don't have to go  
23 through this again and again and again.

24 Thank you.

19:41:08 25 MR. RUESINK: Thank you, Ms. Merritt.

57		59			
19:41:12	1	Lynn Herring.	19:44:07	1	the draft recovery plan builds on a 1992 draft
	2	MS. HERRING: My name is Lynn Herring,		2	northern spotted owl recovery plan, the
	3	L-Y-N-N, H-E-R-R-I-N-G. And I'm speaking as an		3	Northwest Forest Plan, a five-year review of
	4	individual. I offer the following comments in		4	the species completed in 2004, a recent
19:41:34	5	response to the recently released draft	19:44:20	5	ten-year monitoring report, and all other best
	6	recovery plan for the northern spotted owl.		6	available science. In reality, this draft plan
	7	The U.S. Fish and Wildlife Service in its		7	would undercut the work that's been done to
	8	April 26th news release states, "Recovery plans		8	protect owls.
	9	are not regulatory documents enforceable by		9	The U.S. Fish and Wildlife Service should
19:41:51	10	law. Rather, they provide guidance to bring	19:44:32	10	reject both options one and two and develop a
	11	about recovery through prescribed management		11	northern spotted owl recovery plan that would
	12	actions and criteria to determine when recovery		12	do the following:
	13	has been achieved, and are often influential in		13	One, address the threats to the owl caused
	14	guiding the land-use decisions of federal and		14	by continuing loss of habitat and formulate
19:42:09	15	nonfederal land managers."	19:44:45	15	actions to prevent further habitat loss;
	16	This draft plan does not provide the		16	Two, establish peer-reviewed,
	17	optimal, necessary guidance to recover the		17	scientifically defensible habitat criteria that
	18	northern spotted owl in terms of identifiable		18	will optimally help the owl recover;
	19	criteria and actions needed to stop the owl's		19	Three, not allow the Forest Service and
19:42:27	20	decline, reduce threats, and return the species	19:44:59	20	BLM forest managers to independently decide how
	21	to a stable, well-distributed population in		21	much spotted owl conservation area habitat to
	22	Washington, Oregon, and California. The draft		22	protect or not protect;
	23	plan would instead weaken spotted owl		23	Four, establish additional and larger owl
	24	protection on federal lands and facilitate		24	conservation areas or reserves to ensure
19:42:44	25	increased logging of old-growth forests that	19:45:15	25	spotted owl survival during barred owl
58		60			
19:42:47	1	provide habitat for the owl.	19:45:18	1	invasions.
	2	The plan's two options do not adequately		2	Regarding barred owls, the draft recovery
	3	address spotted owl habitat loss. The owl is		3	plan identifies competition from the barred
	4	declining more rapidly than anticipated at the		4	owl, nonnative to the Pacific Northwest, as the
19:43:00	5	time of the species listing in 1990. Any final	19:45:28	5	primary threat facing the northern spotted owl.
	6	plan should not facilitate further loss of		6	Additional research on this topic is definitely
	7	spotted owl habitat.		7	needed. However, the current presence of the
	8	Option one does not set aside enough		8	barred owl is no excuse to write off spotted
	9	old-growth reserves to recover the spotted owl.		9	owl habitat and thereby facilitate further
19:43:16	10	Option two, preferred by the timber industry,	19:45:44	10	fragmentation of our old-growth forest. This
	11	would eliminate old-growth reserves and allow		11	would only roll out the welcome mat for the
	12	the Forest Service and BLM to independently		12	opportunistic barred owl.
	13	decide how much habitat to protect.		13	In conclusion, the northern spotted owl
	14	Apparently the 12-member recovery team was		14	inhabits structurally complex forests and is a
19:43:33	15	originally on track to develop a collaborative,	19:46:00	15	key indicator of the health of our remaining
	16	scientifically defensible recovery plan until		16	old-growth forest ecosystems in the Pacific
	17	the Bush administration appointee stepped in to		17	Northwest. This plan must be reworked and
	18	override that notion. This led to the current		18	improved to provide more and larger habitat
	19	draft recovery plan with the two options that		19	reserves if the owl is to survive.
19:43:48	20	do not meet the Endangered Species Act's	19:46:14	20	Thank you.
	21	requirement for measurable, objective recovery		21	MR. RUESINK: Thank you for your comments.
	22	criteria. Yet this plan -- this plan commands		22	Barbara Wilson.
	23	a price tag of \$198 million and purports to		23	MS. WILSON: I am Barbara Wilson,
	24	recover the owl in 30 years.		24	W-I-L-S-O-N. I represent myself.
19:44:05	25	The U.S. Fish and Wildlife Service says	19:46:35	25	I was here in August in front of the owl

<b>61</b>		<b>63</b>	
19:46:38	1 recovery team, and we did speak extensively	19:49:31	1 MR. RUESINK: Thank you, Ms. Wilson, for
	2 about the importance of adequate habitat,	2	2 your comments.
	3 old-growth forests, and the importance of	3	3 James Mire.
	4 habitat in recovery of the owl. It appears	4	4 MR. MIRE: Sorry. I wasn't here at the
19:46:57	5 that perhaps our comments were ignored.	19:49:47	5 beginning, so I didn't -- I don't even know who
	6 I am sure that you read the editorial in	6	6 you guys are.
	7 The Oregonian this morning that was written by	7	7 MR. RUESINK: Please state your name and
	8 Dominick DellaSala. He is a chief scientist	8	8 spell it for the record, and then go ahead and
	9 and executive director of the National Center	9	9 give your comments.
19:47:15	10 for Conservation Science and Policy, and serves	19:49:56	10 MR. MIRE: Sure.
	11 on the Northern Spotted Owl Recovery Team. And	11	11 MR. RUESINK: Try to limit them to about
	12 even though you may have read this, I wanted it	12	12 four minutes.
	13 put into the record because I think it's so	13	13 MR. MIRE: Yeah, I got that part. James.
	14 important.	14	14 Last name is Mire, M-I-R-E. And I'm actually a
19:47:32	15 He says: "I served on the recovery team	19:50:07	15 volunteer at Audubon Society of Portland. And
	16 that submitted a draft recovery plan last	16	16 I'm here speaking on behalf of Hazel, the
	17 September to the U.S. Fish and Wildlife	17	17 spotted owl. I was one of her original
	18 Service.	18	18 trainers, and if you know anything about
	19 "A short time later, the team was notified	19	19 training owls it's -- they're not as bright as
19:47:45	20 that a secret 'oversight committee' in	19:50:19	20 you would think. It takes a long time. So I
	21 Washington, D.C., had rejected the draft and	21	21 flipped through a lot of books, a lot of quiet
	22 directed us to change the plan substantially,	22	22 time spent thinking. A boy from Louisiana
	23 deemphasizing the well-documented connection	23	23 thinking about this crazy owl from weird old
	24 between spotted owl survival and its old-growth	24	24 forest.
19:48:03	25 forest habitat.	19:50:31	25 And what I realized is that they're an
<b>62</b>		<b>64</b>	
19:48:05	1 "The oversight committee included Julie	19:50:35	1 indicator species of bad politics, ultimately.
	2 MacDonald, the deputy assistant Interior	2	2 And when you look at it -- I keep hearing this
	3 secretary who recently resigned after an	3	3 thing that a good friend of mine said the other
	4 Inspector General's investigation found she had	4	4 day to a group of us: Anybody that thinks it's
19:48:18	5 altered scientific conclusions to accommodate	19:50:48	5 about the spotted owl, raise your hand. We all
	6 the demands of special-interest lobbyists.	6	6 kind of looked at him. He said, Yeah, exactly.
	7 "One of the most troubling changes is that	7	7 It's about the forest.
	8 the administration's plan could reduce	8	8 You know, you guys have this -- this duck
	9 old-growth habitat by as much as 25 percent.	9	9 and this fish. You're the U.S. Fish and
19:48:39	10 At the same time, spotted owl numbers are	19:50:59	10 Wildlife Service. Seems to me that this would
	11 plummeting.	11	11 be job security for you guys to protect this
	12 "It's time for the Fish and Wildlife	12	12 stuff, because pretty soon we're not going to
	13 Service to scrap the draft recovery plan and	13	13 have a lot of fish and wildlife left. That
	14 start fresh."	14	14 means less of you guys, et cetera.
19:48:50	15 I would like to ask you to throw out this	19:51:11	15 I find it astonishing, and I think if
	16 plan. Neither option one nor option two will	16	16 Hazel were ever to come up here and say
	17 help the spotted owl. This editorial only	17	17 something, she would say we send rockets to the
	18 confirms what the Bush administration has done	18	18 moon, we split atoms, we fuse atoms, we got
	19 on all major environmental challenges. It's	19	19 super colliders, we're splitting genes, we're
19:49:08	20 tragic. It's tragic. But it's corrupt. It's	19:51:25	20 growing body parts, for crying out loud, and we
	21 polluted. And I ask you to recognize how	21	21 can't even figure out how to save a forest.
	22 corrupt the system is. Please throw out this	22	22 You know, you got acute medicine today.
	23 draft plan and begin again with the true	23	23 Instead of trying to say, Hey, stop getting
	24 objective of recovering the spotted owl. Thank	24	24 sick; wait until you get sick and then we'll
19:49:28	25 you.	19:51:38	25 treat it. So we've waited until the forest got

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19:51:40	1 sick, and now we're just going to treat it with	19:54:14	1 things here in Oregon. It should not be the
	2 a band-aid. Let's go shoot a bunch of barred		2 way we do things in the United States of
	3 owls.		3 America. Please, gentlemen, don't shame us
	4 It's ridiculous. We're smarter than this,		4 all.
19:51:48	5 is really what I guess she would say. She	19:54:24	5 MR. RUESINK: Thank you.
	6 would say, Look, quit picking on my fellow sub,		6 I've now called the names of all the folks
	7 sub species, barred owl, whatever. Quit		7 that indicated they wished to speak this
	8 picking on them. They're not the problem.		8 evening. If anyone in the audience wishes to
	9 Politicians are the problem. If we want		9 speak, you would like to make a statement -- we
19:52:03	10 forests for our grandchildren and great	19:54:41	10 can get you to fill out a card in just a
	11 grandchildren, look at everything, not just the		11 minute.
	12 spotted owl.		12 MS. COON: I did.
	13 This other gentleman had a really cool		13 MR. RUESINK: You can come up and speak.
	14 approach. It needs to be holistic.		14 I just want to make sure you fill out a card.
19:52:14	15 Successfully breeding pairs of spotted owls are	19:54:53	15 MS. COON: I signed up outside.
	16 found feeding on specific animals, and those		16 MR. RUESINK: Okay. And again, state your
	17 specific animals are found feeding in specific		17 name and spell for it the record and indicate
	18 areas. See how it all works?		18 if you represent any agency or organization go
	19 So, anyway, thank you guys for listening.		19 ahead, please.
19:52:25	20 We're smarter than this. We've got to be	19:55:02	20 MS. COON: Thank you. Good evening. My
	21 smarter than this. Let's reject both of those		21 name is Cheryl Coon. I am the conservation
	22 options. They're ridiculous. Thank you for		22 program manager for the Audubon Society of
	23 your time. Thank you.		23 Portland, and I appreciate the chance to speak
	24 MR. RUESINK: Ann Littlewood.		24 to you.
19:52:48	25 MS. LITTLEWOOD: It's Ann, with no E,	19:55:12	25 I certainly support all of the wonderful
66		68	
19:52:50	1 Littlewood, L-I-T-T-L-E-W-O-O-D. And thank	19:55:14	1 remarks that you've already heard and am not
	2 you, gentlemen, for your time this evening.		2 going to waste your time by repeating what you
	3 I represent myself and my family,		3 have heard. I'd like to share a more personal
	4 including my grandchildren as yet unborn.		4 perspective of my own.
19:53:05	5 My family has lived in Oregon for five	19:55:25	5 I have been an environmental attorney for
	6 generations. I personally have been to		6 the last 30 years, and in that capacity began
	7 Cambodia. I've been to Central America. I've		7 working on spotted owl issues as an assistant
	8 seen how they manage their forests. I've		8 attorney general for the State of Oregon in the
	9 climbed the Lost Lake overlook at Mt. Hood and		9 mid 1980s.
19:53:23	10 looked at the slopes of the mountains. I've	19:55:42	10 I find myself deeply discouraged to be
	11 flown south over Oregon to the Bay area and		11 here tonight, and what it recalls for me
	12 looked down at our state. Most recently, I've		12 vividly is a conversation that a group of
	13 driven the road between Eugene and Florence.		13 attorneys who were dealing with the salmon
	14 I've seen how we manage our forests. The		14 issue once had. We sat around the room and we
19:53:39	15 differences are way more subtle than they	19:55:59	15 looked at each other, and we were pretty much
	16 should be.		16 the same vintage, the way you and I are, and we
	17 Oregon should not be treated like a		17 talked about the fact that this was our
	18 third-world country. Surely we can do better.		18 generation's time and opportunity to make a
	19 Surely we can stop cutting the last of our		19 difference. We were now the age that we had
19:53:54	20 ancient forests and preserve one small owl. We	19:56:17	20 watched our parents be when we expected them to
	21 have the knowledge, and some of us have the		21 do good things and were sometimes overly harsh
	22 will. Throwing out science in favor of		22 in our criticism of them for not having done
	23 short-term profit is the mentality of		23 those things.
	24 desperately poor countries with corrupt		24 We are, in short, at the time of our lives
19:54:11	25 governments. It should not be the way we do	19:56:32	25 when we are most uniquely able to make a

69		71	
19:56:35	1 difference for the world we live in. I'm	19:59:10	1 microphone. We'll make sure we get a card
	2 talking about us right here, many of the people		2 filled out for you. And again, please state
	3 in the audience here. We're folks in our 50s		3 your name, spell it for the record, and
	4 and our 60s, and we're never going to have the		4 indicate if you represent an agency or an
19:56:47	5 chance that we have right now again.	19:59:20	5 organization.
	6 So the thing that I find very tragic and		6 MR. EPSTEIN: My name is Jordan Epstein.
	7 sad about being here is it is now nearly 20		7 Do you want me to spell it?
	8 years later. 1987, I recall, was when you were		8 MR. RUESINK: Please.
	9 first petitioned for listing. Here we are with		9 MR. EPSTEIN: Jordan, J-O-R-D-A-N,
19:57:04	10 a recovery plan. It's a recovery plan that	19:59:28	10 Epstein, E-P-S-T-E-I-N.
	11 basically, as lawyers like to say, doesn't pass		11 MR. RUESINK: Thank you.
	12 the red-face test. It's simply absurd to		12 MR. EPSTEIN: Well, I guess I'm
	13 suggest that we can do it with a heavy focus on		13 representing myself, although I've got my
	14 killing barred owls and a very reduced focus on		14 Bird-A-Thon T-shirt on. I'm an Audubonner.
19:57:27	15 preserving habitat. We've known for a long	19:59:39	15 I'm a member.
	16 time that it's about habitat because of the		16 I'm sure most of the things that I could
	17 nature of this critter.		17 think of have been said, so I'm going to try an
	18 At Portland Audubon, we pride ourselves on		18 analogy. Imagine that your foot is bothering
	19 being a science-based organization. If you can		19 you. Circulation problems. Something wrong
19:57:41	20 show us the science, we're there behind you,	19:59:55	20 with your foot, and you're not sure what it is,
	21 whether or not it's the popular position to		21 and you go to the doctor. Now, you're the
	22 take among our colleagues and our friends in		22 doctors for our forest.
	23 the environmental movement. This is a case		23 And the doctor looks at your foot and
	24 where you are not going to pass the red-face		24 says, Hm, you have a circulation problem, so
19:57:57	25 test with us or with other folks in the	20:00:09	25 let's soak it. Let's massage it. Maybe we can
70		72	
19:57:59	1 environmental movement, and you simply cannot	20:00:13	1 stimulate it.
	2 show us the science to support either of these		2 The doctor fails to take into account the
	3 options.		3 fact that you've got diabetes. Totally ignores
	4 So we do respectfully ask, and I join the		4 that. That's the habitat, though, in which the
19:58:10	5 other folks here in asking, that you reconsider	20:00:26	5 spotted owl lives. It's an entire system. If
	6 and go back to the drawing board. Thank you		6 you don't look at your whole body, you could
	7 for your time.		7 end up soaking your foot to treat diabetes.
	8 MR. RUESINK: Thank you for your comments.		8 That's what you've got going here.
	9 Once again, I have now called the names of		9 To protect the habitat, you're going to
19:58:25	10 everyone that indicated they wished to speak.	20:00:40	10 shoot barred owls? You know, it's what you've
	11 If anyone else in the audience wishes to do so,		11 heard before. It just doesn't make sense. So,
	12 I would ask that you fill out a registration		12 please, start again. Address the entire
	13 card, and we'll give you an opportunity to do		13 system. The spotted owl doesn't live without
	14 so.		14 an entire system that's healthy any more than
19:58:40	15 We are scheduled to be here until 9:30	20:00:54	15 your foot would survive in a body that was not
	16 this evening. If we do not have any additional		16 treated for diabetes, if that's what you had.
	17 speakers at this time, I would like to take a		17 Thank you.
	18 recess and encourage you to, again, pick up		18 MR. RUESINK: Thank you.
	19 materials that are available outside the room.		19 Are there any other speakers? One more.
19:58:58	20 It looks like maybe we do have someone	20:01:28	20 Cheyne Cumming?
	21 else -- you do wish to speak, sir?		21 MS. CUMMING: I just got here from a
	22 MR. EPSTEIN: Yeah.		22 baseball game with my granddaughters.
	23 MR. RUESINK: Have you filled out a card?		23 MR. RUESINK: Did they win?
	24 MR. EPSTEIN: No, not yet.		24 MS. CUMMING: Yes, they did. But she's
19:59:09	25 MR. RUESINK: Come on up to the	20:01:42	25 why I'm here.

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20:01:44 1 MR. RUESINK: Would you state your name  
 2 and spell it for the record, please.  
 3 MS. CUMMING: Oh, yes. It's Cheyne  
 4 Cumming. C-H-E-Y-N-E, last name Cumming,  
 20:01:53 5 C-U-M-M-I-N-G.  
 6 MR. RUESINK: Thank you.  
 7 MS. CUMMING: Okay. I didn't have time to  
 8 prepare my comments, but I'm here for my  
 9 grandchildren, and I'm here as a teacher. I've  
 20:02:08 10 been a teacher in Portland for 20 years and a  
 11 citizen of this state for 33 years. And I  
 12 value above anything else in my life our  
 13 forests, our rivers, our streams, our ocean,  
 14 and everything that lives within them.  
 20:02:28 15 I live in Washington County, where I am  
 16 seeing all of the habitat for animals  
 17 devastated on a daily basis due to development,  
 18 and I don't want to see that happen to what old  
 19 growth is left.  
 20:02:43 20 I've seen the northern spotted owl at the  
 21 High Desert Museum, and I'd like to be able to  
 22 see one in the wild now and to take my  
 23 grandchildren there. So I ask you to consider  
 24 what impact this plan would have to not only  
 20:03:01 25 the northern spotted owl, but to other plants

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20:03:05 1 and animals that reside in the old growth.  
 2 And it's my responsibility as a teacher,  
 3 and as a citizen, to protect those places for  
 4 the children I teach now. And you have the  
 20:03:19 5 power to do that. That's all I have to say.  
 6 MR. RUESINK: Thank you.  
 7 Are there any other speakers at this time?  
 8 Seeing no one indicating that they wish to  
 9 speak, again, we will be here until 9:30. If  
 20:03:41 10 any of you decide that you would like to make a  
 11 statement, please register at the desk outside  
 12 the room and we'll give you an opportunity to  
 13 do so.  
 14 Also, a lot of material is available  
 20:03:54 15 outside this room as well as staff from the  
 16 Fish and Wildlife Service, the Forest Service,  
 17 and Bureau of Land Management to answer  
 18 questions or address concerns that you might  
 19 have.  
 20:04:07 20 If we do not have any more speakers at  
 21 this time, we will go on recess. We're off the  
 22 record.  
 23 (PROCEEDINGS ADJOURNED AT 8:04 p.m.)  
 24 \* \* \*  
 25

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CERTIFICATE

I, Robin L. Nodland, an Oregon Certified  
 Shorthand Reporter, a Registered Diplomat  
 Reporter, and a Certified Realtime Reporter, do  
 hereby certify that I reported in stenotype the  
 proceedings had upon the hearing of this  
 matter, previously captioned herein; that I  
 transcribed my stenotype notes through  
 computer-aided transcription; and that the  
 foregoing transcript constitutes a full, true  
 and accurate record of all proceedings had  
 during the hearing of said matter, and of the  
 whole thereof.

Witness my hand at Portland, Oregon, this  
 12th day of June, 2007.

/s/ ROBIN L. NODLAND

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