

Congress of the United States
Washington, DC 20515

February 2, 2021

The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Mr. Greenblatt:

We write to request an immediate review of the U.S. Fish and Wildlife Service's (USFWS) recent decision to remove critical habitat protections for the Northern Spotted Owl on 3.4 million acres of U.S. Forest Service and Bureau of Land Management lands in the Pacific Northwest.

The decision to strip these critical habitat protections is as bewildering as it is damaging. Last year, USFWS initially proposed removing only roughly 200,000 acres of protected habitat and just last month, the agency determined that uplisting the Spotted Owl to endangered status was "warranted but precluded" by higher priority actions.¹ Apparently those higher priority actions include ensuring the extinction of the species through the destruction of over 3.4 million acres of its critical habitat.

These very concerns were expressed during the public comment period, and in its final federal register notice, the USFWS appeared to confirm these concerns, suggesting that Secretary Bernhardt unilaterally overruled agency officials:

The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat designation, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. We found the areas we designated in 2012 to be essential to the conservation of the northern spotted owl. However, the Secretary has the discretion to consider these exclusions in light of either new information that has come about since the 2012 rule, as well as a consideration of relevant factors not considered in 2012.²

¹ [Revised Designation of Critical Habitat for the Northern Spotted Owl, 85 Fed. Reg. 48487 \(proposed August 11, 2020\); U.S. Fish & Wildlife Service Press Release, Northern Spotted Owl's Threatened Status to Remain Unchanged, December 14, 2020](#)

² [Revised Designation of Critical Habitat for the Northern Spotted Owl, 86 Fed. Reg. 4820 \(2021\)](#)

The USFWS decision appears to fit a larger pattern of malfeasance by the Trump administration's political leadership at the Department of Interior. In less than two brief years under David Bernhardt's leadership, the Department has been mired in one ethical scandal after another. Bernhardt and his loyalists have demonstrated a willingness to insert themselves into the scientific process in order to achieve preferred policy outcomes, withhold information from the public, and even mislead Congress.³

While the Biden administration has taken actions to mitigate the effects of this rule, we ask that you quickly review this decision and to determine whether USFWS contradicted or ignored scientific recommendations made by career staff.

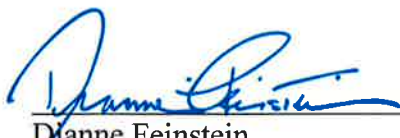
Respectfully,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Dianne Feinstein
United States Senator



Patty Murray
United States Senator



Maria Cantwell
United States Senator



Earl Blumenauer
Member of Congress



Raúl M. Grijalva
Member of Congress



Jared Huffman
Member of Congress

³ [United States, Department of the Interior. Inspector General: Investigative Report of Alleged Improper Influence by the Secretary of the Interior in the FWS' Scientific Process. Washington, D.C. December 10, 2019;](#) [United States, Department of the Interior. Inspector General: Alleged Interference in FOIA Litigation Process. Washington, D.C. August 11, 2020;](#) [United States, Department of the Interior. Inspector General: Statements Made to Congress Regarding the Bureau of Land Management's Office Relocation. Washington, D.C. September 1, 2020.](#)