

LAST CALL

— F O R T H E —

SPOTTED

The northern spotted owl is disappearing along with its old-growth forest home.

A recently launched lawsuit may be its only hope of survival. **BY BRIAN PAYTON**

OWL

ON A COOL SPRING AFTERNOON two years ago, wildlife researcher Joel Gillis entered a patch of old-growth temperate rain forest three hours east of Vancouver. Here, stands of cedar, hemlock and Douglas fir tower 30 metres above the forest floor. He gave a couple of short hoots, and soon a female northern spotted owl appeared, gliding silently overhead and alighting on a nearby branch. Hoping she might have a few precious owlets to feed, he offered her a snack.

“I put a mouse on the end of a stick, and this great big owl came swooping down and grabbed it,” he says. “She didn’t make a sound.”

She returned for three more mice, but a quick inspection revealed the worst. Her nest was empty.

At the time, the 30-year-old crew leader for the British Columbia Conservation Foundation saw himself playing an important role in the preservation of the owl and its habitat. Gillis believed that the population survey data he and his crew of a half-dozen technicians were collecting would be used by the government to help protect the bird and the forest.

Today, Gillis holds few such illusions. After hundreds of cold, sleepless nights spent searching for northern spotted owls, he has come to accept that like the bird, his days in





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Canada are likely numbered. That is, unless a last-ditch legal effort — the first action of its kind under Canada’s Species at Risk Act — succeeds in preventing further logging in Canada’s spotted owl habitat.

RANGING FROM SOUTHWESTERN British Columbia through Washington and Oregon to northern California, the northern spotted owl is an indicator species whose success can be viewed as a gauge of the overall health of its ecosystem. A chocolate-and-white-feathered member of the wood owl genus, *Strix occidentalis caurina* relies on a rapidly diminishing resource: old-growth temperate rain forests.

“Spotted owls just do not exist in second-growth,” says Gillis. “Their prey — bushy-tailed woodrats and flying squirrels

— are linked to old-growth habitat. They need to manoeuvre and fly under the canopy. They need multi-storey stands so they can perch close to the ground. Second-growth canopy is tight. If it’s all the same height, they can’t get around.”

The decline of the northern spotted owl has been intensively studied by ornithologists for more than three decades, and it is clear that loss and fragmentation of old-growth forests is the primary cause. The bird has also suffered from increased competition from barred owls, predation from great horned owls, loss of prey and the greatly reduced odds of finding a mate. Its Canadian population could have been as high as 500 pairs in the 1800s, before the advent of industrial logging. In 1986, the Committee on the Status of Endangered Wildlife in Canada designated the northern spotted

competition from barred owls, predation from great horned owls, loss of prey and the greatly reduced odds of finding a mate. Its Canadian population could have been as high as 500 pairs in the 1800s, before the advent of industrial logging. In 1986, the Committee on the Status of Endangered Wildlife in Canada designated the northern spotted



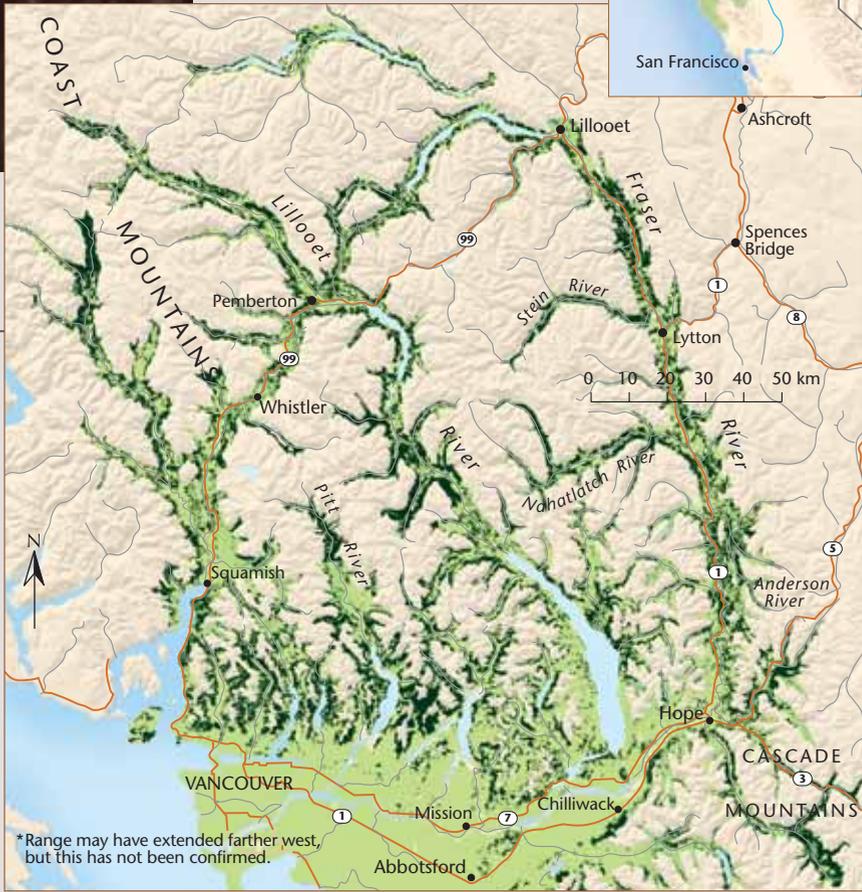


owl as endangered. By 1992, the estimate was 100 pairs — then things really fell apart. Before the provincial survey began in 2004, the official estimate of breeding pairs was down to 30. That number turned out to be wildly optimistic.

THE BEST TIME OF YEAR TO COUNT spotted owls is during the mating season, which lasts from early April to the end of September. Gillis and his crew spent the past two seasons helicoptering or hiking into owl habitat. Each night, they tried to cover as much ground as possible, moving in the darkness through some of the most rugged and inaccessible terrain in southwestern British Columbia, the only place where the birds are found in Canada.

“We’d do 10 to 15 kilometres an evening along the Stein River, for example,” says Gillis. “We targeted every possible area in B.C. during that time. I spent more days in a tent last year than I did with a roof over my head.”

The crew stopped every 500 metres to broadcast the pre-recorded call of a male northern spotted owl. A response would mean that a live specimen was present and announcing its claim on the territory or, if female, its interest in the male. In all but a few instances, the call went



A wait-and-ponce hunting strategy and a metre-wide wingspan enable the northern spotted owl (ABOVE) to take its prey by stealth. The owl occupies three British Columbia ecosystems: the southwestern coastal rain forest, the dry interior Cascade Mountains and the transitional forests in between. Each bird's territory varies in size depending on habitat quality and prey diversity and averages 3,200 hectares.

S. FICK/CANADIAN GEOGRAPHIC; SOURCE: WESTERN CANADA WILDERNESS COMMITTEE



After fledging, a juvenile (LEFT) perches near its nest and stretches its wings before taking flight. With a complex canopy and open understorey, ancient Douglas fir forests (BELOW) make ideal nesting groves for spotted owls, which mate for life.

unanswered. After all that searching, the team identified a total of 23 spotted owls and only six potential breeding pairs.

“Since then, we know that one owl has died,” says Gillis. “We also know that none of

the seven juveniles monitored since 2002 have survived.”

The main cause of death in juvenile spotted owls is predation by other raptors. Young owls also succumb to starvation, mammalian predation and accidents. Owls that reach adulthood struggle to survive in an altered landscape.

“Habitat loss does not kill them directly,” says Gillis, “but it has brought them to the edge of extinction.”

The spotted owl is not known to nest above 1,200 metres in British Columbia, and approximately 70 percent of the low-elevation forest on which the owl depends has been logged. Two of the province’s largest logging companies

voluntarily halted operations in critical spotted owl habitat in 2002, but the provincial government has continued as the largest logger of owl habitat through the BC Timber Sales program, a Crown corporation that plans and logs cutblocks and auctions the timber to establish market prices. Since 2002, the province has actually increased logging in owl habitat.

In its Spotted Owl Management Plan, the B.C. government claims it attempts to “balance spotted owl requirements with social and economic concerns.” It predicts that the owl population has a 60 percent chance of stabilizing or possibly improving, yet it states that it will only support a plan that provides a greater than 70 percent chance of stabilizing the population. In the end, the government plan has been a self-described “compromise between economics and conservation which may or may not save the spotted owl.”

Last December, the Sierra Legal Defence Fund and the Western Canada Wilderness Committee published a report, “In Defence of Canada’s Spotted Owl,” which argues that the provincial government’s approach is “neither biologically defensible nor morally responsible” and that it contravenes the United Nations Convention on Biological Diversity, which Canada ratified, and the national Accord for the Protection of Species at Risk, which requires provinces and territories to maintain healthy populations of wild and native flora and fauna across their natural range. British Columbia, Alberta, the Yukon and the Northwest Territories do not have their own endangered-species legislation.

After exhausting all legal avenues in British Columbia — and coinciding with the report’s release — the Sierra Legal

After exhausting all legal avenues in British Columbia, the Sierra Legal Defence Fund has launched its last legal recourse: a Federal Court lawsuit.





Douglas fir is prone to heart rot and very commonly snaps and decays to form the chimney in which spotted owls prefer to nest (LEFT). Clear-cut logging has annihilated owl habitat in British Columbia's remote upper Pitt River watershed (BELOW).

Defence Fund (representing the Western Canada Wilderness Committee, ForestEthics, the David Suzuki Foundation, and Environmental Defence)

launched its last legal recourse: a Federal Court lawsuit expected to be heard this summer or fall.

If successful, it would force Rona Ambrose, Canada's Environment Minister, to use emergency provisions in the federal Species at Risk Act to recommend that Cabinet prohibit activities which threaten northern spotted owl habitat. The suit represents the first legal test of the act. As of press time, Environment Canada had issued no official response, other than advising that it intends to oppose the action, and the B.C. government had offered no indication of how it intended to respond to the lawsuit.

"WHEN THE SPOTTED OWL was declared endangered in Canada," says Devon Page, a staff lawyer with the Sierra Legal Defence Fund, "the B.C. government constituted a recovery team, but as it was creating a recovery plan, the government turned around and said, 'Skip that. We want you to prepare a list of management options, from letting the species go extinct to recovering it.'"

The team did that, says Page, but its recommended action — adequate habitat protection — was ignored and the team was dismissed. "The government later called into question its own science, because it didn't like the recommendation," he says. "Now we have 15 years of data, and they all show the same thing. The delay put another nail in the bird's coffin."

At the current rate of attrition, the spotted owl could become extinct in Canada by 2010, a date that holds special significance as the year Canada will host the Olympic Winter Games. In its Bid Book, the Vancouver 2010 Bid Corporation states, "Canada sets high standards for environmental protection through legislation, regulations and industry codes of practice. All levels of government regulate management of the environment and natural resources in Canada."

So as Vancouver Olympic officials trumpet British Columbia's eco-friendly image, the province's spotted owl population continues to dwindle into extinction.

"The B.C. Ministry of Environment has good people who stand for species protection," says Page, "but if their recommendations have a potential impact on timber supply,

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Two owllets and an adult (LEFT) make the best of another raptor's abandoned stick nest. A legal challenge failed to stop clear-cutting (BELOW) near Lytton, B.C., in 2003. Such habitat loss is the main reason for the near-disappearance of the B.C. northern spotted owl population, which, at last count, was down to 22 birds.

they just get buried. At the end of the day, they aren't going to stop logging."

Can the northern spotted owl be saved in Canada? Even if all of its remaining habitat was protected immediately, if a captive breeding program was implemented and successful, and if the barred owl population was somehow controlled or culled, the owl has barely a chance. The prognosis is bleak, says Gillis.

ONE MORNING LAST SUMMER, Gillis woke up in his tent to the sound of a chainsaw and the crash of big trees coming down. That was his alarm clock at 6:30, after having surveyed from nine the previous night until four in the morning southeast of Pemberton, B.C.

"One of the hardest things," he says, "is watching logging trucks roll by loaded with trees from the spotted owl's habitat."

Despite the bird's dire situation, Gillis wants to continue working on its preservation. Soon, he may pack up and leave

for spotted owl habitat in Oregon or Washington, where the Endangered Species Act can effectively shut down logging on any public land where the bird is found. The action taken to protect spotted owl habitat in the United States Pacific Northwest in the 1990s sparked a backlash in logging communities there, and the owl became a symbol of the polarization between loggers and conservationists. Logging restrictions south of the border have far exceeded British Columbia's efforts on behalf of the spotted owl, but the species' numbers, estimated at 5,000 to 8,000 pairs, are declining there as well. Gillis would prefer to continue to work in British Columbia, but he sees little opportunity to work with spotted owls.

"I'm Canadian. This is my home," he says. "I don't want to leave, but in the States, they don't log areas with spotted owls. They've at least made an effort at habitat protection. That's the most important thing."

If the B.C. government doesn't act decisively and soon, Gillis predicts, the recorded call of the northern spotted owl in future surveys in British Columbia will go unanswered. If and when that day arrives, he says, "I'll remember the sheer beauty of the birds. You're calling them, and then you turn your head, and there's one staring at you a few feet away — and you didn't even hear it come in. They are amazing creatures, with such personality. They're the soul of the old-growth temperate rain forest."

Vancouver writer Brian Payton is the author of Shadow of the Bear: Travels in Vanishing Wilderness.



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