

October 23, 2012

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

CC: Secretary Ken Salazar
U.S. Department of the Interior
1849 and C Street N.W.
Washington, DC 20240

Dan Ashe, Director
U.S. Fish and Wildlife Service
1849 and C Street N.W.
Washington, DC 20240

Dear President Obama,

On behalf of our millions of members across the country, we are writing to you to express grave concerns about a recent settlement agreement by the U.S. Fish and Wildlife Service to vacate nearly four million acres of protected critical habitat for the marbled murrelet—a highly endangered seabird that relies on Pacific Northwest old-growth forests for its survival.

Under the Endangered Species Act, critical habitat is an essential tool for protecting and recovering endangered species. Indeed, Congress has expressly recognized the fundamental importance of protecting species' habitat, stating “[i]f the protection of endangered species depends in large measure on the preservation of the species' habitat, then the ultimate effectiveness of the Endangered Species Act will depend on the designation of critical habitat” (U.S. Congress 1976). This is particularly true for the marbled murrelet as the primary threat to its survival is the logging of old-growth forests across the Pacific Northwest.

Although it spends most of its life at sea, the marbled murrelet nests in moss on the branches of old-growth trees, with both parents flying back and forth to sea to provide food for the single chick they raise each summer. The murrelet was protected under the Endangered Species Act because of the loss of mature and old-growth forests to logging. It has continued to lose habitat and to decline, making protection of critical habitat essential to its survival.

In the context of a timber industry lawsuit, the Service has agreed to eliminate the murrelet's critical habitat in a consent decree filed for court approval. The decision to enter into this agreement and eliminate critical habitat is entirely voluntary – there has been no court order or even substantive argument in the case. It is extraordinary that the Service has simply given up. In other cases, even where courts have found critical

habitat designations illegal, which has not happened here, courts have generally left the protections in place while errors were fixed, because the courts recognized the importance of habitat protection.

The action of your administration betrays the hope for a sustainable future and undermines the legacy of scientifically based forest protections put in place by President Clinton.

We call on you to withdraw the consent decree that eliminates critical habitat protection for the marbled murrelet.

Sincerely,

Noah Greenwald
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