April 6, 2017

ODFW
Marbled Murrelet
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Dear Friends at the Oregon Department of Fish and Wildlife,

On behalf of American Bird Conservancy (ABC), thank you for this opportunity to comment on the status of the Marbled Murrelet in Oregon. ABC is concerned about the steep decline of the murrelet's population in Washington State and its long-term prospects of maintaining a viable population in the state of Oregon due to risk of ongoing habitat loss and fragmentation. Therefore ABC urges that it be downgraded to endangered status, and that additional conservation measures be developed and implemented.

Marbled Murrelets have been listed as a threatened species for nearly 30 years, yet Oregon has never developed a plan to recover them or protect the old-growth habitat they depend on. The state's reliance on the nesting habitat located on nearby federal forestlands is not sufficient as murrelet populations in the Pacific Northwest continue to decline, and a recent status review conducted by the U.S. Fish and Wildlife Service determined that conservation of nesting habitat on state and private lands is now critical to the species' survival.

The small number of this distinct population segment, the significant population decline in Washington State, and past projections of likely extinction in California and Oregon within 100 years, are indications that current protections and efforts to restore old-growth forest habitat need to be augmented. This would aid in the recovery of the Murrelet, listed salmon stocks, and the threatened Northern Spotted Owl, and also benefit clean air, clean water, wild salmon runs, carbon sequestration and other ecosystem services uniquely provided by these irreplaceable late-successional forests.

Washington Department of Fish and Wildlife conducted a status review of the Marbled Murrelet and what follows are its conclusion and recommendation to uplist its status to endangered:

> Marbled Murrelets have undergone population declines nearly range-wide within the last few decades (Piatt et al. 2007, Environment Canada 2014, Falxa and Raphael 2016). Murrelets in Washington have declined 4.4% per year between 2001 and 2015. When the Marbled Murrelet was federally listed in 1992, the primary factor contributing to its threatened status under the Endangered Species Act was the loss of forest nesting habitat. Moreover, there has been an apparent centennial decline in availability of forage fish prey resources, which in combination

with habitat loss, appears to have compromised nest success and survival of young.

Despite progress in implementing federal forest management plans, habitat conservation plans and state Forest Practices Rules, habitat loss has continued and the Washington Marbled Murrelet population has experienced a decline of approximately 44% over 15 years. The murrelet's low reproductive rate requires high survivorship for the population to grow. The magnitude of the population decline indicates that the status of the Marbled Murrelet in Washington has become more imperiled since state listing in 1993. Without solutions that can effectively address the major threats in the short-term, it is likely the situation for Marbled Murrelets will only worsen and the species could be lost from some landscapes in the decades ahead.

American Bird Conservancy strongly agreed with this assessment, and urged in our comment that the Marbled Murrelet be uplisted to endangered status in Washington.

Northwest Forest Plan is Conserving Marbled Murrelet Habitat

The Marbled Murrelet is an amazing seabird that in the Pacific Northwest nests in mature and old-growth trees. Due to extensive habitat loss caused by widespread logging near the coast of central to northern California, Oregon, and Washington State, a distinct population segment of the Marbled Murrelet is federally listed as threatened under the Endangered Species Act.

A region-wide court injunction against logging on federal lands and political gridlock prompted intervention in the ancient forest debate by incoming President Bill Clinton. A forest summit was held in Portland, Oregon in 1993, and agencies were directed to develop the Northwest Forest Plan. This was a first of its kind, multispecies and ecosystem conservation plan intended to protect late-successional forests and riparian areas, as well as the Northern Spotted Owl, Marbled Murrelet, Pacific Salmon stocks, and 600 other old-growth-dependent species. The Plan went into effect in 1994 and it remains today the best available conservation framework of its kind.

The Northwest Forest Plan is first and foremost, a multispecies management plan for listed species including the Northern Spotted Owl, Marbled Murrelet and salmon stocks that provides the land management agencies with an "adequate regulatory mechanism" to comply with the Endangered Species Act, the National Forest Management Act, the Clean Water Act, and the National Environmental Policy Act. The Northwest Forest Plan promotes an ecosystem management approach with the specific goal of protecting those listed species and perpetuating and expanding the size of the region's late-successional forest ecosystem.

Studies show that the Northwest Forest Plan is working as intended to retain mature and old forests, and that the highly fragmented forest ecosystem is growing back into the large blocks of mature forest habitat needed to maintain water quality and recover threatened species such as the Northern Spotted Owl, Marbled Murrelet and Pacific salmon stocks. It is important to note that the Northwest Forest Plan is a 100-year plan, now in its 21st year, and significant habitat gains for Northern Spotted Owl and to a much lesser degree Marbled Murrelets are not anticipated until mid-century.

According to the Pacific Seabird Group:

"significant thinning and logging is taking place within LSRs, which is further fragmenting the

landscape and extending the time when large contiguous blocks of late seral habitat will exist on the landscape. In fact, under the NWFP, HCPs, and other habitat management plans, new murrelet habitat will not be suitable for at least 50 to 200 years. The inability to create new murrelet habitat in the short term combined with the continued harvesting of occupied and unoccupied habitat on state, federal and private lands ensures a downward trend in suitable habitat and murrelet populations into the future.

The continued loss of murrelet nesting habitat threatens their survival by: (1) reducing the amount of nesting habitat which in turn decreases the proportion of the population that is able to find quality nest sites; (2) fragmenting occupied sites and subjecting them to harmful edge effects, especially predation, that reduce nest success rate; and (3) reducing the availability of quality nesting habitat forcing murrelets to nest in lower-quality habitat, which diminishes nest success (USFWS 1997, 2012)."

Overall, under the Northwest Plan, 97% of the Murrelet habitat on federal lands has been conserved. However, it is important to remember that the Northwest Forest Plan alone does not provide enough to provide habitat protection for Murrelet recovery. As the 1996 rule notes, the FEMAT viability assessment concluded: "We believe there is only about a 60 percent likelihood that the Marbled Murrelet population on federal lands would be stable and well distributed after 100 years, regardless of which option is selected." (p. 26262)

In the 2009 5-year status review, FWS stated that although the Northwest Forest Plan protects some murrelets, without critical habitat, "conservation benefits would not likely extend to all areas currently protected for the murrelet."

20-Year Monitoring Report Recommends No More Habitat Loss and Reduce Fragmentation to Conserve Marbled Murrelets

As part of the Northwest Forest Plan, a monitoring report on the plan's effectiveness in conserving the Marbled Murrelet was release in 2015. The report also made management recommendations to conserve remaining habitat that are not being followed by federal agencies including the U.S. Fish and Wildlife Service and Bureau of Land Management. The report notes that the Northwest Forest Plan has been largely successful at conserving 97% of the high quality habitat on federal lands.

While the Northwest Forest Plan has been effective at restoring murrelet habitat, this is a very slow process given the condition of the landscape. Here are some details from the monitoring report:

> …it can take more than 100 years for Class 2 habitat to become Class 3 and more than 200 years to become Class 4. The development of stands with old-growth characteristics necessary for murrelets is expected to take at least 100 to 200 years from the time of regeneration (USFWS 1997). For the many younger stands in the murrelet range that were clear-cut harvested in the past century, the benefits of habitat development are far into the future. However, if management for late-successional and old-growth forests continues, projections show substantial increases of forest exceeding 150 years in age by 2050 on western federal lands (Mills and Zhou 2003). Shorter term gains in habitat quality may occur as older forest fills in around existing suitable habitat and reduces edge and fragmentation effects in existing habitat, prior to the older forest developing the large limbs, nest platforms, and other characteristics of murrelet nesting habitat.

> Over the long run, it is not unreasonable to expect to see some net increase in total amount of higher suitability habitat; however in the short term, conservation of the higher suitability habitat (Classes 3 and 4) is essential. If losses of suitable habitat are reduced, old forest suitable for nesting is allowed to develop, and fragmentation of older forest is reduced throughout the reserved federal lands, then meeting murrelet population objectives will be more certain. Given declining murrelet population trends as well as habitat losses, in many areas, it is uncertain whether their populations will persist to benefit from potential future increases in habitat suitability. This underscores the need to arrest the loss of suitable habitat on all lands, especially on nonfederal lands and in the relatively near term (3 to 5 decades).

In addition to arresting loss of suitable habitat, the study also concluded that forest fragmentation is a severe threat that needs to be ameliorated.

> In this chapter, we found that nesting habitat cohesion, which is the inverse of habitat fragmentation, is a strong predictor of murrelet abundance and trends. This result is not surprising because murrelets prefer larger patches, which also tend to have fewer nest predators (Malt and Lank 2007, Raphael et al. 2002). (p. 114)

> Increased edge resulting from forest fragmentation appears to have negative effects on murrelets. Malt and Lank (2007) found that murrelet nest sites at timber harvest edges had lower moss abundance than interior and natural-edge nest sites (stream corridors and avalanche chutes) owing to stronger winds, higher temperature variability, and lower moisture retention.

> Another negative impact to murrelets associated with edges, especially those that occur between clearcuts or large openings and forests, is increased nest depredation rates (Marzluff and Neatherlin 2006, Marzluff et al. 2004, Masselink 2001). This is especially true when edges are near human development such as campgrounds (Marzluff and Neatherlin 2006) or include berry-producing plants such as elderberry (*Sambucus* sp.) (Masselink 2001).

Final Critical Habitat Rule a Missed Opportunity

The U.S. Fish and Wildlife Service has issued a final Marbled Murrelet critical habitat rule that designates 3.7 million acres. However, the rule ignored conservation comments urging the Service to provide either additional habitat protection or protective measures to reverse the current decline and the ongoing threats of habitat loss and fragmentation; threats that will exacerbated by the BLM FEIS, and the proposed sale of Oregon's Elliott State Forest.

Numerous Threats Indicate Stronger Protections Needed Range-wide

ABC is concerned that clearcutting proposed in the BLM FEIS for Western Oregon will further fragment the landscape. The current buffers under the Northwest Forest Plan protect 503 acres of habitat based on a circular radius from the nest site. A 300-foot buffer provides for only 6.5 acres of protected habitat, a 98% reduction from the current standard. The BLM plan also cuts riparian reserves in half, and calls for extensive commercial logging in the reserves that is not focused on restoration of late-successional conditions, which raises doubt that the reserve network will function as intended.

State of Oregon Proposes Sale of Elliott State Forest

The Department of State Lands has proposed to sell the 84,000-acre Elliott State Forest, and its status remains uncertain, although the State Treasurer has proposed a pathway to decouple the forest from revenue mandates, and keep the forest in public ownership. However, great concern remains that current management practices on Oregon state and private lands are detrimental to and fail to provide for the conservation or recovery of the population. Habitat fragmentation and risk of blowdown in suitable habitat are greatly increased by the intensive even-aged forest management allowed on Oregon forests.

Predation Risk Indicates Large Buffers Needed from Campgrounds & Disturbed Areas

A study published in *Condor* has found that Marbled Murrelets nesting within campgrounds are at greater risk of predation, due to an increased concentration of predators such as Stellar's Jay that benefit from the bounty of food left by humans. This harmful effect of increased nest and chick predation could extend outward from the campground for up to one kilometer (.62 miles).

The study notes that:

> Because many RNSP campgrounds occur within nesting habitat for the federally threatened Marbled Murrelet (Brachyramphus marmoratus) (Bensen 2012), there is significant concern that increased abundance of Steller's Jays could increase predation risk for Marbled Murrelet eggs and nestlings, perhaps compromising these areas as productive nesting habitat. Currently, the greatest threat to the viability of Marbled Murrelet populations in California is low productivity; direct observations at active nests in RNSP suggest that low reproductive success can be largely attributed to nest predation by corvids (H´ebert and Golightly 2006, H´ebert and Golightly 2007, Golightly and Schneider 2011). In California, Steller's Jays have been implicated in 36% and Common Ravens in 46% of observed predation events on Marbled Murrelet nests (Singer et al.1991, Peery et al. 2004, H´ebert and Golightly 2007, Golightly and Schneider 2009). Management strategies directed at reducing corvid nest predation may be an effective means to recover Marbled Murrelet populations in California (Peery and Henry 2010).

In conclusion, given the degree of threats, and long time-frame for additional habitat to come online, we believe additional protections for the Marbled Murrelet are urgently needed. We urge the Oregon Department of Fish and Wildlife to recommend uplisting the Marbled Murrelet to endangered status in Oregon, and urge that additional conservation measures be adopted by the state as soon as possible.

Thank you for considering these comments.

Sincerely,

Steve Holmer
Senior Policy Advisor
American Bird Conservancy