

Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Kathy Kuletz
Chair
Anchorage, Alaska
chair@pacificseabirdgroup.org

Stanley Senner
Vice-Chair for Conservation
Portland, Oregon
conservation@pacificseabirdgroup.org

Nina Karnovsky
Chair-elect
Claremont, California
programchair@pacificseabirdgroup.org

21 October 2015

Public Comments Processing
Attn: FWS–R1–ES–2015– 0070
Division of Policy, Performance, and Management Programs
U.S. Fish & Wildlife Service, MS: BPHC
5275 Leesburg Pike
Falls Church, VA 22041–3803
<http://www.regulations.gov>

RE: Comments on the Proposed Rule on Marbled Murrelet Critical Habitat, Federal Register 80 (164):51506-51523, 25 August 2015

To Whom It May Concern:

Please accept the following comments from the Pacific Seabird Group (PSG) on the U.S. Fish and Wildlife Service's (USFWS) proposed Marbled Murrelet Critical Habitat rule. We support the USFWS decision to maintain the current amount of designated critical habitat, but we have two recommendations: 1) additional critical habitat should be designated inland and 2) critical habitat should be designated in the marine environment.

The PSG is an international, non-profit organization that was founded in 1972 to promote the knowledge, study and conservation of Pacific seabirds. It has a membership drawn from 14 nations, including Canada, Mexico, Russia, Japan, China, Australia, New Zealand, Peru, and the United States. The PSG's members include biologists and scientists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and representatives of nongovernmental organizations and individuals who are interested in marine

conservation. For more than two decades, PSG members have undertaken and published on world-class research to identify gaps in understanding, resolve important scientific aspects of the biology and conservation of Marbled Murrelets, and contribute to or lead the development of federal recovery plans for listed seabird species. The PSG's annual scientific meetings have served as objective, open forums through which government, university, and private-sector biologists contribute to and advance the development of best management practices for conserving and recovering this species in the United States and throughout its range.

In 1996, USFWS designated critical habitat units (USFWS 1996) based on the Northwest Forest Plan's late-successional reserves (LSRs; USDA and USDI 1994a, b) to reduce the threat of predation and provide essential nesting habitat for this threatened species (USFWS 1996: 26265):

In response to the problems of fragmentation of suitable habitat, potential increases in predation, and reduced reproductive success, the Service concentrated on defining critical habitat units in terms of large, contiguous blocks of late-successional forest. The Service used the late-successional reserve system identified in the Northwest Forest Plan (USDA and USDI 1994) to the extent possible to provide large blocks of habitat.

More recently, the USFWS (1997, 2006) again recognized that the creation and maintenance of large blocks of contiguous forest cover are important to the long-term recovery of this species (USFWS 2006: 53845):

The maintenance and development of large blocks on nesting habitat and contiguous forest cover is important to the stability and long-term recovery of marbled murrelets.

We applaud the USFWS for proposing to maintain existing critical habitat designations for Marbled Murrelets, but PSG has two recommendations: 1) designate additional critical habitat on federal and state lands, and 2) designate marine critical habitat.

Designate Additional Inland Habitat

First, additional critical habitat on federal and state lands is needed because: (1) Marbled Murrelet populations continue to decline due to low fecundity and high predation rates at nest sites (McShane et al. 2004, Falxa and Raphael in press); (2) the total amount of potential murrelet nesting habitat continues to decline on all lands due

to logging, edge effects, human disturbances, and forest fires (Falxa and Raphael in press); and (3) new management proposals are pending that would further decrease the amount of protected murrelet nesting habitat (e.g., BLM management plans that will eliminate LSR designations).

One reason the PSG recommends additional critical habitat is the result of improvements in our understanding of distribution of murrelets in inland habitats and the factors that threaten their recovery. Late-successional reserves and critical habitat units have been designated on federal lands yet these are not helping to recover the murrelet as per the USFWS Recovery Plan goals. To meet the recovery goals, there is need for designation of additional blocks of habitat on state and federal lands. These additional lands are needed in part because the data and information on murrelet inland distribution available at the time the LSR system was established were very limited. With the data we now have, we know that there are additional occupied sites that could be included to expand the critical habitat designation¹. Another reason for designation of additional lands is to improve ecosystem resilience: In the face of climate change, more critical habitat will ensure that more large blocks (i.e., contiguous) of habitat are available for murrelet nesting despite increases in fire risk (Littell et al. 2010). Thus, the best available science suggests that an increase in the aerial extent of critical habitat is needed.

As stated in the Evaluation Report on the 5-Year Status Review for the murrelet in the US (McShane et al. 2004: 6-34):

It is unrealistic to expect that the species will recover before there is significant improvement in the amount and distribution of suitable nesting habitat.

Designate Marine Critical Habitat

The PSG recommends expanding the definition of critical habitat to include marine waters to further enhance prospects for a successful recovery². Murrelets require an abundant and available prey base adjacent to suitable inland habitat to reproduce and survive, and changes in the abundance, distribution and quality of marine prey have been identified as factors in their decline (Recovery Implementation Team 2012). In

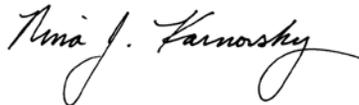
¹ Due to the sensitivity of providing occupied site data in the public record, we refrain from including site specific information herein. However, the members of the PSG Marbled Murrelet technical committee are available to provide this information directly to the Service

² We note that there is ample precedent for designation of marine areas as critical habitat, such as was done for the Steller's Eider in Alaska (e.g., Kuskokwim Bay in Alaska).

addition to the potential for competition with their prey from commercial fisheries (e.g., herring), *Brachyramphus* murrelets are sensitive to disturbance at-sea by boats (Agness et al. 2008), which can affect their success at bringing fish to their nestlings inland at dawn and dusk (Speckman et al., 2004). Identifying and designating key foraging habitats are another important components of murrelet recovery strategies (USFWS 1997) and detailed information is now available on the offshore distribution of murrelets within the listed range (Raphael et al. 2015; Falxa and Raphael in press). Generally speaking, research has shown that marine reserves that restrict or prohibit fishing and other anthropogenic impacts are an important management tool for maintaining or restoring ecosystem resilience in a changing climate (www.mpa.gov). Designation of marine critical habitat for Marbled Murrelets recognizes that this species relies entirely on marine habitats for everything in its annual cycle except nesting, and it further recognizes that threats to the recovery of murrelets are not exclusively terrestrial. Thus, designating marine critical habitat represents a full-lifecycle approach to murrelet conservation and is essential their survival and recovery.

We appreciate the opportunity to comment. Let us know if we can provide additional information.

Sincerely,



Nina Karnovsky
Chair-elect

Literature Cited

- Agness, A.M., J.F. Piatt, J.C. Ha, and G.R. VanBlaricom. 2008. Effects of vessel activity on the nearshore ecology of Kittlitz's murrelet (*Brachyramphus brevirostris*) in Glacier Bay, Alaska. *Auk*. 125(2): 346-353.
- Falxa, G.A. and M.G. Raphael, Tech. Eds. In press. Northwest Forest Plan-The First Twenty Years (1994-2013): Status and Trend of Marbled Murrelet Populations and Nesting Habitat. U.S. Department of Agriculture, Forest Service, General Technical Report PNW-GTR- 927, Portland, OR. xx pp.

- Littell, J.S., E.E. Oneil, D. McKenzie, J.A. Hicke, J.A. Lutz, R.A. Norheim, and M.M. Elsner, 2010. Forest ecosystems, disturbance, and climatic change in Washington State, USA. *Climatic Change* 102:129-158, doi:10.1007/s10584-010-9858-x.
- McShane, C., T. Hamer, H.R. Carter, G. Swartzman, V. Friesen, D. Ainley, R. Tressler, S.K. Nelson, A. Burger, L. Spear, T. Mohagen, R. Martin, L. Henkel, K. Prindle, C. Strong, and J. Keany. 2004. Evaluation report for the 5-year status review of the Marbled Murrelet in Washington, Oregon, and California. Unpublished report. Seattle, WA: EDAW Inc. (prepared for the U.S. Fish and Wildlife Service).
- Raphael, M.G., A.J. Shirk, G.A. Falxa and S.F. Pearson. 2015. Habitat associations of Marbled Murrelets during the nesting season in nearshore waters along the Washington to California coast. *Journal of Marine Systems* 146:17-25.
- Recovery Implementation Team. 2012. Report on marbled murrelet recovery implementation team meeting and stakeholder workshop. U.S. Fish and Wildlife Service, Lacey, WA.
- Speckman, S.G., J.F. Piatt, and A.M. Springer. 2004. Small boats disturb fish-holding Marbled Murrelets. *Northwestern Naturalist* 85: 32-34.
- U.S. Department of Agriculture; U.S. Department of the Interior [USDA and USDI]. 1994a. Final supplemental environmental impact statement on management of habitat for late-successional and old-growth forest related species within the range of the northern spotted owl. Portland, OR. 2 vol.
- U.S. Department of Agriculture; U.S. Department of the Interior [USDA and USDI]. 1994b. Record of decision for amendments to Forest Service and Bureau of Land Management planning documents within the range of the northern spotted owl. [Place of publication unknown]. 74 pp. [plus attachment A: standards and guidelines].
- U.S. Fish and Wildlife Service. 1996. Endangered and threatened wildlife and plants; final designation of critical habitat for the Marbled Murrelet. *Federal Register* 61:26256-26320.
- U.S. Fish and Wildlife Service. 1997. Recovery plan for the Marbled Murrelet (*Brachyramphus marmoratus*) in Washington, Oregon and California. Portland, OR: Oregon Field Office: 203pp.
- U.S. Fish and Wildlife Service. 2006. Endangered and threatened wildlife and plants; designation of critical habitat for the Marbled Murrelet; proposed rule. *Federal Register* 71: 53838-53951.