



July 01, 2018

Dear Mr. Miner:

The Pacific Seabird Group (PSG) is writing to express our great concern regarding the misrepresentation of scientific information in the letter sent by Oregon's Coastal Caucus, to the ODFW Commission prior to the June 2018 meeting and the Commission's recent decision to reverse the uplisting of the Marbled Murrelet under the Oregon Endangered Species Act.

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 the entire Pacific basin. Among PSG's members are biologists and scientists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. Since 1986 PSG has included a Marbled Murrelet Technical Committee, which is composed of several working groups that act on the status, distribution, and monitoring protocol for the Marbled Murrelet. PSG also identifies and facilitates research, addresses conservation problems related to this species, and acts as a liaison between research and government. PSG has served as an **unbiased** forum for government, university, and private sector biologists to discuss and resolve issues related to Marbled Murrelet conservation along the Pacific coast of North America.

PSG urges you to follow sound science and reinstitute the Marbled Murrelet as Endangered for the following reasons:

The information in the Caucus letter does not accurately represent the science it quotes; much like other testimonies at the June hearing opposed to uplisting the species. The Oregon Coastal Caucus letter **cherry-picks scientific data** that does not reflect the whole of the dataset. We are alarmed that elected officials would present such spurious information and are deeply concerned that they would write and support a letter on Marbled Murrelet science without consulting the scientists who reported the data or their constituents who have worked on Marbled Murrelet issues in Oregon for decades. In this letter we respectfully clarify the inaccuracies in the Coastal Caucus.

The Coastal Caucus letter cites the latest Northwest Forest Plan Interagency Regional Monitoring Program Summary Report that includes 2017 data from at-sea Marbled Murrelet

surveys published in May 2018¹. The letter states that the report provides new data indicating the Oregon Marbled Murrelet annual rate of change is "...affirmatively trending upward through 2016, and that the trend is now statistically significant". What the Coastal Caucus letter fails to recognize is that these at-sea surveys only take place every other year in Conservation Zones 3 and 4 (most of Oregon is included in Zone 3, Southern Oregon in Zone 4); as a result the Oregon 2016 trend estimate actually relies on data interpolation for Zone 4 based on datasets from multiple years since there was no 2016 data for Zone 4. **The 2016 Oregon population estimate in Table 2 relies on data only from Zone 3 from 2016. The Zone 4 data used in the Oregon estimate is an interpolation of data collected in 2015 and 2017.** This is evident in Table 3 of the Pearson et al. report (see red arrow in screen shot of Table 3 of Pearson et al. 2018 included as an addendum at the end of this letter). In addition, Zone 4 data from the last 2 years surveyed (2015 and 2017) showed unusually high density estimates of murrelets outside the range of confidence intervals (see Pearson et al. report – Figure 3, Zone 4 graph). There was no data gathered for Zone 3 in 2017, yet the years 2016 and 2017 have strong leverage on the overall trend estimate reported. The monitoring report was clear about these data limitations, which the Coastal Caucus ignored. Given that the Marbled Murrelet is a long-lived species with low reproductive rate, it is not possible to conclude that this sudden increase in density is the result of local reproduction and high survival rates. It is entirely possible that murrelets foregoing breeding in recent years due to historically poor oceanic conditions in the North Pacific² are spending more time at sea and thus inflating the population estimate. There is also a strong likelihood that immigration from outside populations could result in more birds counted in Oregon's nearshore waters.

It is unacceptable and unprofessional to base an important decision, in this case the welfare of an endangered bird species and the habitat it depends on, on one data point from one study - especially such tenuous data as described in the preceding paragraph. The at-sea population trend information (and problems with these estimates) was discussed at the February 2018 ODFW Commission meeting when the Commission moved to uplist the Marbled Murrelet to Endangered. Other factors were deemed more relevant to the uplisting of the bird including the >80% extinction projection, continued habitat loss, and the at-sea juvenile to adult ratio being extremely low (.03 to .08)^{3, 4}, which is certainly not indicative of a successfully breeding population. The Commission rejected the full weight of evidence that was exhaustively researched and vetted by ODFW staff in the Marbled Murrelet Status Review Report⁵. And not only did this report provide sufficient justification for uplisting based on a

¹ Pearson, S.F., B. McIver, D. Lynch, N. Johnson, J. Baldwin, M.M. Lance, M.G. Raphael, C. Strong, R. Young, T. Lorenz, and K. Nelson. 2018. Marbled murrelet effectiveness monitoring, Northwest Forest Plan: 2017 summary report. 19pp.

² <https://phys.org/news/2017-02-pacific-vast-seabird-die-off.html>

³ Crescent Coastal Research 2008. Population and productivity monitoring of Marbled Murrelets in Oregon during 2008. Final report to the U.S. Fish and Wildlife Service, Oregon State Office, Portland, Oregon. Crescent Coastal Research, Crescent City, California.

⁴ Crescent Coastal Research 2013. Marbled Murrelet productivity measures at sea in northern California during 2011 and 2012: an assessment relative to Redwood National and State Park Lands. Final report to the U.S. Fish and Wildlife Service Cooperative Agreement No. F111AC01081. Crescent Coastal Research, Crescent City, California.

⁵ ODFW. 2018. Status review of the Marbled Murrelet (*Brachyramphus marmoratus*) in Oregon and evaluation of criteria to reclassify the species from threatened to endangered under the Oregon Endangered Species Act. Oregon Department of Fish and Wildlife. 134pp.

wealth of scientific evidence, it also clearly documented the for commercial overutilization of murrelet habitat (i.e. accelerated logging on non-federal land) and that existing state programs and regulations are inadequate to protect the species or its habitat. Months of hard work by ODFW staff on the status report was **totally ignored** by the ODFW Commission members that voted to reverse their decision to continue the uplisting process.

The Coastal Caucus letter goes on to state that the Pearson et al. 2018 report “invalidates” and “has proven wrong” the 2004 demographics model⁶. There is no logic behind these statements. **Comparing the results of Pearson et al. 2018 and McShane et al. 2004 is totally inappropriate.** The Pearson report is solely a population trend estimate based on at-sea survey data – nothing more. The McShane demographic model is a predictive model based on a suite of demographic inputs including the latest population trend information **as well as** adult survivorship, age of first breeding, sex ratio, reproductive success, fecundity, juvenile to adult ratios, immigration/emigration, environmental factors, etc. While the McShane et al. demographics model should be updated with new data, the most recent demographic information collected since 2004 (see studies cited in the status review on the continued very low reproductive success estimates, increasingly poor oceanic conditions, etc.) indicates it is improbable that more recent population trend data would significantly change the declining population trajectory predicted by the McShane models.

The Coastal Caucus letter also called for the Commission to wait until the completion of the OSU study⁷ before a reclassification decision is made. Will there likewise be a moratorium on logging? While the OSU study will provide important information about the Marbled Murrelet, the weight of evidence documented in the ODFW status review report based on **decades of information clearly indicates the time to act is now.** The consensus of existing studies on the species is more than sufficient for the ODFW Commission to choose to adequately protect the Marbled Murrelet and its habitat by maintaining its February decision to uplist the species to endangered. In fact, the preliminary data from the OSU study suggests that murrelets in Oregon’s nearshore waters are moving long distances reinforces the plausibility of immigration as a factor behind the recent apparent positive population trend. Regardless, numbers of birds at sea are not necessarily indicative of breeding success since it takes 2-3 years for a murrelet to begin breeding, and with a low reproductive rate, current changes in population will not be identified by simply counting the number of birds until several years later – putting us behind the timeline to effectively make changes to support the population. Nothing about the OSU study invalidates the existing research on the Marbled Murrelet, and the Coastal Caucus is incorrect to draw any connection between the study and the legality of the ODFW Commission’s decision.

We recommend that the ODFW Commission immediately reverse the decision made at the June meeting and maintain their original decision to uplist the Marbled Murrelet from threatened to endangered under Oregon’s Endangered Species Act. It is important that

⁶ McShane, C. T. Hamer, H. Carter, G. Swartzman, V. Friesen, D. Ainley, R. Tressler, 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. EDAW, Inc. Seattle, Washington. Prepared for the U.S. Fish and Wildlife Service, Region 1. Portland, Oregon.

⁷ Rivers, J. 2018. The Oregon Marbled Murrelet Project: science to inform conservation and management of Oregon’s coastal forests. Oregon State University presentation to the Oregon Fish and Wildlife Commission, February 9, 2018, Portland, Oregon.

Oregonians can trust the ODFW Commission to base its decisions on accurate and unbiased interpretation of the science, such as the Marbled Murrelet status review developed by its own staff. We are discouraged that the Commission has seemingly chosen to be influenced by social, economic, and political pressures rather than maintaining their focus on protecting and enhancing our wildlife for future generations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Mark J. Rauzon". The signature is fluid and cursive, with the first name "Mark" and last name "Rauzon" clearly legible.

Mark J. Rauzon
Vice Chair for Conservation
Pacific Seabird Group
conservation@pacificseabirdgroup.org