

# Pacific Seabird Group



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

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Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
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**SUBJECT: Comments on the Revised Critical Habitat for the Marbled Murrelet  
(FWS-R1-ES-2008-0079; 92210-1117-0000-FY08-B4)**

On behalf of the Pacific Seabird Group (PSG), we are providing comments on the proposed critical habitat revision for the Marbled Murrelet (*Brachyramphus marmoratus*) as published in the Federal Register 31 July 2008. We express concern about removal of the critical habitat designation for lands administered by the Bureau of Land Management (BLM) in Coos, Douglas and Lane counties in Oregon. These lands have not received adequate surveys to assess the level of potential Marbled Murrelet occurrence within suitable nesting habitats. The Marbled Murrelet is currently listed as threatened under the federal Endangered Species Act (ESA). Much of the unsurveyed habitat consists of older-aged forests that could be critical for the survival and recovery of this species. We strongly oppose changing the critical habitat designation on these BLM lands, and suggest that the U. S. Fish and Wildlife Service (USFWS) maintain the current designation specific to these areas until adequate surveys demonstrate probable absence of nesting Marbled Murrelets. We do, however, concur that the proposed revisions to critical habitat on U.S. Forest Service lands in northern California and on the Rouge River and Siskiyou National Forests in southern Oregon are warranted.

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, including Canada, Mexico, Russia, Japan, China, Australia, New Zealand, and the USA. 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. For two decades, PSG has taken an active lead in resolving many scientific aspects of the biology

and conservation of Marbled Murrelets. PSG has served as an unbiased forum for government, university, and private sector biologists to discuss and resolve such issues.

The Marbled Murrelet was ESA listed in 1992 primarily because of significant losses of nesting habitat through logging and development in coastal forests of Washington, Oregon, and California (USFWS 1992). An objective of the Marbled Murrelet recovery plan (USFWS 1997) is to stabilize the population at or near current levels by maintaining and/or increasing productivity and removing and/or minimizing threats to survivorship. Protecting terrestrial habitat, including maintaining essential nesting habitat on Federal lands in Late Successional Reserves (LSR) and occupied sites, minimizing the loss of suitable but unoccupied habitat, creating and maintaining large blocks of contiguous forest cover, and maintaining and enhancing buffer habitat, is essential for the long-term recovery of this species (USFWS 1997; 131-146). The USFWS (1996, 1997, 2006) clearly states that the Northwest Forest Plan (NWFP), especially forestland in the LSRs, is the backbone of the murrelet recovery plan. Without the LSRs, the demise of the murrelet population in Oregon will likely be accelerated.

“Within the range of the Marbled Murrelet, the Northwest Forest Plan designates a system of Late-Successional Reserves, which provides large areas expected to eventually develop into contiguous, unfragmented forest. ... The Service recognizes the value of the Northwest Forest Plan and acknowledges its integral role in Marbled Murrelet conservation. The Northwest Forest Plan complements this critical habitat designation by stressing the need for protection of large, unfragmented areas of suitable nesting habitat that are well distributed throughout the species’ range, with special emphasis on areas close to the marine environment (USFWS 1996: 26262).”

### **Marbled Murrelet Habitat Continues to Decline**

Despite the listing of the Marbled Murrelet as threatened in 1992 and the implementation of the Northwest Forest Plan (NWFP) in 1993, the amount of suitable murrelet habitat has continued to decline throughout their range. The loss and degradation of habitat has resulted from: (1) harvesting on private and state lands; (2) federal/private land exchanges; (3) thinning in suitable and occupied habitat, and buffers to suitable habitat; (4) habitat conservation plans; (5) fragmentation effects from adjacent harvests and thinnings; and (6) a variety of natural and anthropogenic causes including fire, windthrow, and disturbance. The total loss of suitable nesting habitat between 1992 and 2003 was estimated to be about 10% or 226,000 acres of the estimated of 2.2 million acres of suitable habitat (2003 estimate; McShane et al. 2004). Of this habitat, most was lost in formal consultations with the USFWS (92%), 80% on private land (71% on lands covered by HCPs) and 17% (34,951 acres) on federal land. More than 7,370 acres of occupied habitat were lost, and thousands of additional lost acres, which were not surveyed, likely contained murrelets. Under the NWFP, HCPs and other habitat

management plans, new murrelet habitat will not be suitable for 50-200 years. The inability to create new murrelet habitat in the short term combined with the continued harvesting of occupied and suitable habitat ensures a downward trend in suitable murrelet habitat into the future.

The amount of mature and old-growth habitat suitable for murrelet nesting in coastal areas is significantly below historic minimums. For example, using a model based on historic fire size and historic fire frequency, Wimberly et al. (2000) estimated the mean percentage of old growth and late successional forest in the Oregon Coast Range during the last 3000 years. At the province scale, the mean percentage of old growth and late successional forest in the Oregon Coast Range was estimated at between 39 and 55%, and 66 and 76%, respectively. Currently the entire Coast Range province contains only approximately 5% old growth and 11% late successional forests.

The Marbled Murrelet critical habitat designation and the NWFP were created to protect these remaining older-aged forests which are critical for nesting Marbled Murrelets and foraging and breeding habitat for other old-growth dependent species. Removing critical habitat without adequate surveys to determine murrelet absence circumvents recovery objectives and the NWFP. Allowing an increase in logging of unsurveyed older-aged forests throughout western Oregon, including a 700% increase in logging of the last of the old-growth forests and targeted logging of remaining older-aged forests, could result in unacceptable levels of habitat loss that would prevent the recovery of the Marbled Murrelet in Oregon.

#### **Marbled Murrelet Populations Continue to Decline**

The Washington, Oregon, and California murrelet population is estimated to be 22,000 birds (McShane et al. 2004). Population modeling indicates that this population is declining and will be extinct in Oregon and California within 100 years without changes in the amount and quality of nesting habitat, and in demographic trends (McShane et al. 2004). Low fecundity levels across Washington, Oregon, and California as measured by nest success indicate a population that cannot currently maintain itself (McShane et al. 2004, Beissinger and Peery 2003). Lower nest success is caused primarily by nest predation, which in turn is affected by forest fragmentation and proximity to human developments (McShane et al 2004, Raphael et al. 2002). Thus, in order to diminish the threat of nest predation and increase murrelet reproduction, the forest landscape and its surroundings must be protected to provide large, contiguous blocks of suitable nesting habitat.

A landscape-level protocol survey similar to that conducted in northern California by Hunter, et al. (1998) and in southern Oregon by Alegria et al. (2002) must be conducted on BLM lands in Coos, Douglas and Lane counties in Oregon. This area comprises over

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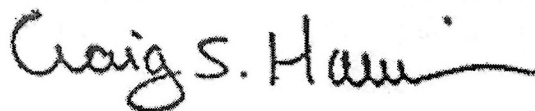
65,000 acres of suitable, potentially occupied murrelet nesting habitat. Without such surveys habitat critical for the survival and recovery of this species may be lost forever.

In summary: (1) murrelet populations continue to decline through low fecundity and high predation rates; (2) even with the current system of reserves (LSRs) and CHUs on federal land, loss of occupied and suitable murrelet habitat is continuing; and (3) murrelet habitat declines will accelerate in the future with proposed changes to the Marbled Murrelets critical habitat designation and the NWFP. Continued habitat loss and the continued fragmentation of habitat will increase the risk of extinction of this unique seabird. We agree with the Evaluation Report on the 5-Year Status Review for the murrelet that:

“It is unrealistic to expect that the species will recover before there is significant improvement in the amount and distribution of suitable nesting habitat” (McShane et al. 2004: 6-34).

We believe the USFWS proposal to eliminate Marbled Murrelet critical habitat in unsurveyed, suitable habitat is inappropriate considering the current status of the population and threats posed to the population at this time. Therefore, in order to ensure the survival and recovery of the Marbled Murrelet, it is essential that USFWS reconsider their decision regarding this matter. Without protection from further loss of suitable habitat, the Marbled Murrelet is likely to become extinct in Oregon in the foreseeable future. However, we believe there exists a scientifically defensible rationale for changing the critical habitat designation on U.S. Forest Service lands in northern California and on the Rouge River and Siskiyou National Forests in southern Oregon. We concur with the USFWS's determination that proposed revisions to Marbled Murrelet critical habitat in these areas is warranted.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Craig S. Harrison  
Vice Chair for Conservation

### Literature Cited

- Alegria, J., L. Folliard, J. Lint, S. Madsen, T. Max, and L. Webb. 2002. Southwest Oregon inland survey assessment for Marbled Murrelets. U.S. Department of Agriculture Siskiyou and Rogue River National Forests and Medford U.S. Department of the Interior Bureau of Land Management.
- Beissinger, S. R., and M. Z. Peery. 2003. Range-wide analysis of juvenile ratios from Marbled Murrelets monitoring programs: implications for demographic analyses. Unpublished report, University of California, Department of Environmental Science, Policy, and Management, Berkeley, California.
- Hunter, J. E., K. N. Schmidt, H. B. Stauffer, S. L. Miller, C. J. Ralph, and L. Roberts. 1998. Status of the Marbled Murrelets in the inner north coast ranges of California. *Northwestern Naturalist* 79:92-103.
- McShane, C., T. Hamer, H. Carter, G. Swartzman, V. Friesen, D. Ainley, R. Tressler, K. Nelson [et al.]. 2004. Evaluation report for the 5-year status review of the Marbled Murrelet in Washington, Oregon, and California. U.S. Fish and Wildlife Service, Region 1, Portland, OR.
- Raphael, M. G., D. Evans Mack, J. M. Marzluff, and J. Luginbuhl. 2002. Effects of forest fragmentation on populations of the Marbled Murrelets. *Studies in Avian Biology* 25:221-235.
- 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 p. [plus attachment A: standards and guidelines].
- U.S. Fish and Wildlife Service. 1992. Endangered and threatened wildlife and plants: determination of threatened status for the Washington, Oregon, and California population of the Marbled Murrelet. *Federal Register* 57: 45328-45337.
- 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 (Washington, Oregon, and California populations). Region 1, U.S. Fish and Wildlife Service, Portland, OR. 286 pp.
- 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.
- Wimberly, M. C., T. A. Spies, C. J. Long, and C. Whitlock. 2000. Simulating historical variability in the amount of old forests in the Oregon Coast Range. *Conservation Biol.* 14: 167-180.