

Reclassification of the Marbled Murrelet under the Oregon ESA



Photo: Martin Raphael, USFS



Doug Cottam, PhD
Wildlife Division Administrator

Species Description

- Small, fish-eating seabird
- Spends most of life at sea but flies up to 50 miles inland for nesting in older forests
- Lays single egg in depression in moss, lichen, or tree litter on large limbs



Photos (top to bottom): Roy Lowe, USFWS; David Patte, USFWS

Current Legal Status

- Federally-threatened in WA, OR, and CA since 1992
- State-threatened in OR since 1995
- Primary reason for these listings: loss and modification of older forest nesting habitat

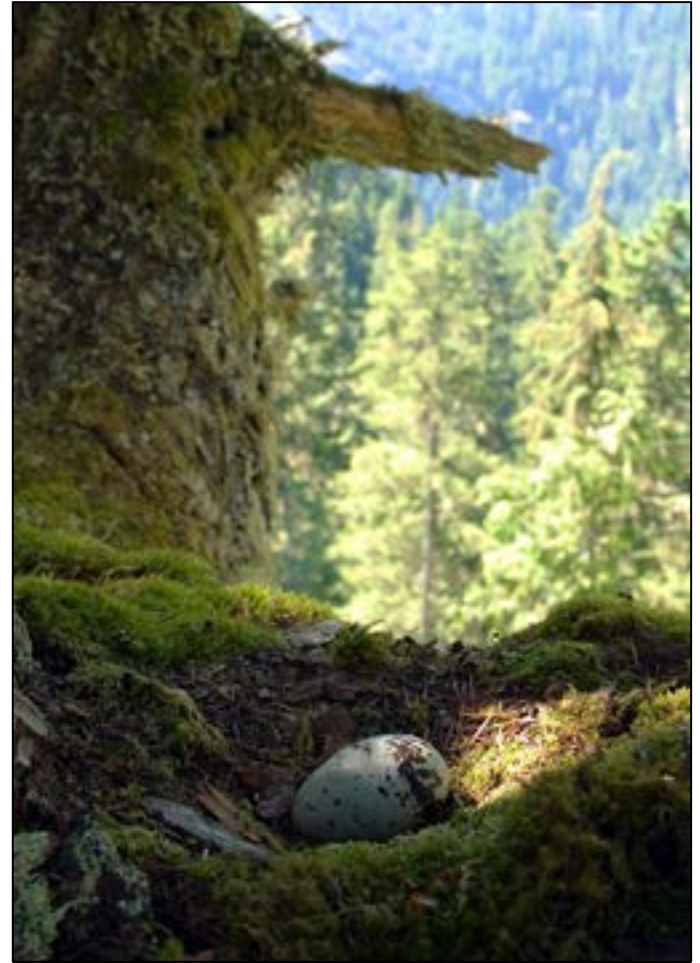




Photo: Nick Hatch, USFS

Potential Habitat in OR (2012)

- Most remaining habitat persists on public lands
- State land-owning/managing agencies with most murrelet habitat include ODF, DSL, and OPRD

Legend

Habitat Suitability

-  Highest
-  Moderately High

Public Lands Ownership

-  Federal
-  State

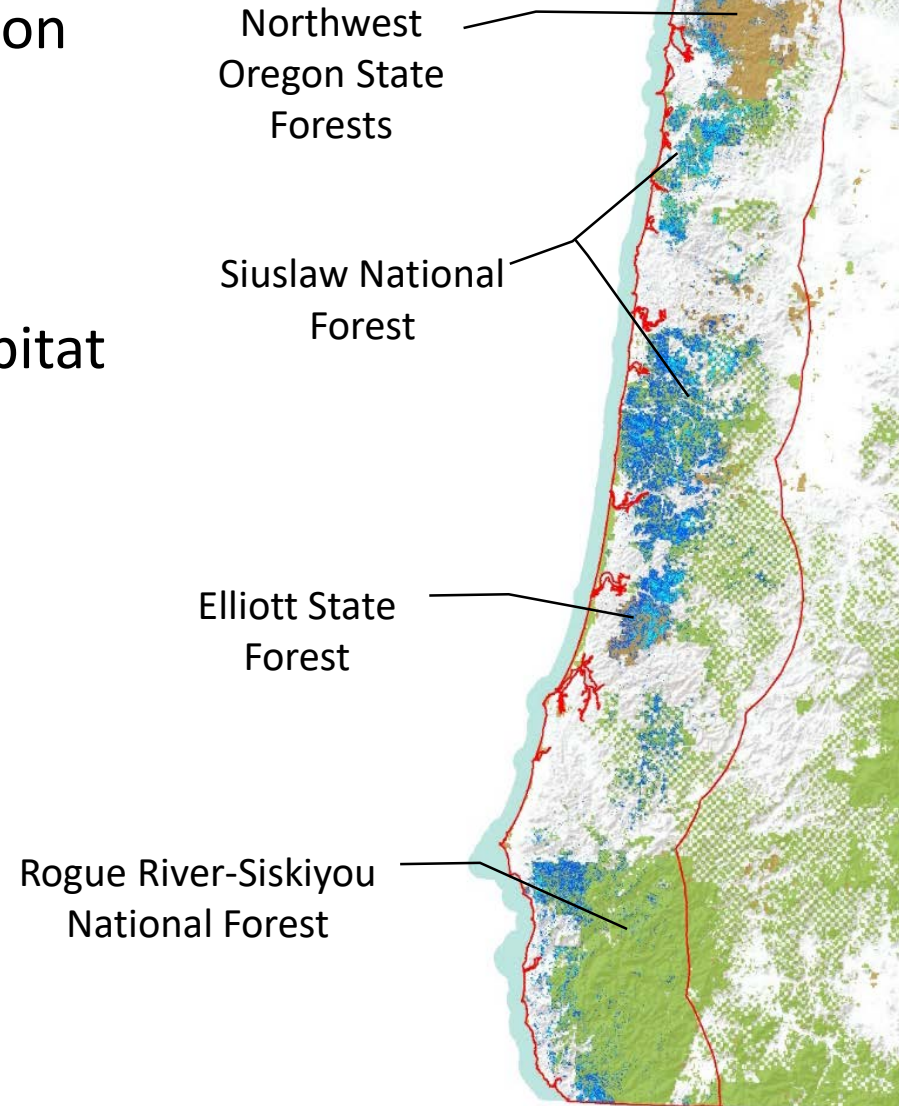
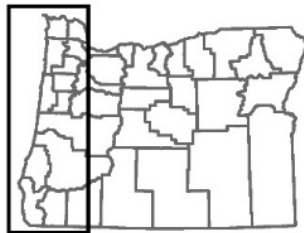


Fig. 2, ODFW (2018). Habitat-suitability data from Raphael et al. (2016a).

Background - Petition

- Commission received petition on June 21, 2016
- Petitioners are Cascadia Wildlands, the Center for Biological Diversity, Coast Range Forest Watch, Oregon Wild, the Audubon Society of Portland, and the Oregon Chapter of the Sierra Club
- Petitioners recommend that Marbled Murrelet be reclassified from threatened to endangered under Oregon ESA

PETITION TO UPLIST THE MARBLED MURRELET FROM THREATENED TO ENDANGERED UNDER OREGON'S ENDANGERED SPECIES ACT



PETITIONERS

Cascadia Wildlands is a non-profit, public interest environmental organization headquartered in Eugene, Oregon. Cascadia Wildlands educates, agitates, and inspires a movement to protect and restore Cascadia's wild ecosystems, including the species therein. We envision vast old-growth forests, rivers full of wild salmon, wolves howling in the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion. We have worked for over a decade on marbled murrelet issues in the Pacific Northwest.

The Center for Biological Diversity is a non-profit conservation organization with more than 1 million members and supporters dedicated to the conservation of endangered species and wild places, including members throughout the Pacific Northwest. The Center has been working to protect the marbled murrelet and its habitat for more than a decade.

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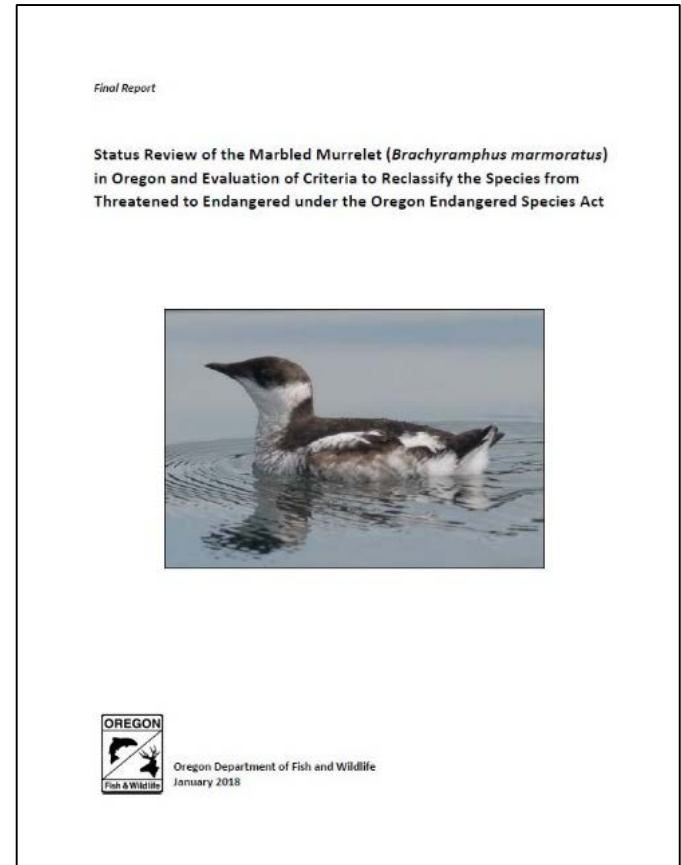
Background - Petition

- Commission accepted petition on September 2, 2016
- This decision initiated the rulemaking process, which includes:
 - 1) Consultation with interested and affected parties
 - 2) A biological status review of the species in Oregon
 - 3) Peer review of the Department's status review

Oregon ESA requires Commission to base any reclassification decision on documented and verifiable scientific information

Background - Status Review Input

- Feb. 2017: requested scientific information
- Fall 2017: draft released for peer review and public comment
- All comments considered in development of final document
- Jan. 2018: final document released



Threatened & Endangered Species *Definitions*

Threatened Species: any native wildlife species the Commission determines is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state (ORS 496.004(17)(a))

Endangered Species: any native wildlife species determined by the Commission to be in danger of extinction throughout any significant portion of its range within the state (ORS 496.004(6)(a))

Oregon ESA

General Decision Framework

1. Is uplisting warranted?
2. If uplisting is warranted, do circumstances apply for which the Commission may choose not to uplist?

Reclassification Criteria

1. Based on documented and verifiable scientific information and other data, has the likelihood of survival of the species diminished such that the species is in danger of extinction throughout any significant portion of its range within Oregon?

AND

2. Does at least one of the following three factors exist?

a) Most populations are undergoing imminent or active deterioration of their range or primary habitat in Oregon.

OR

b) Overutilization of the species or its habitat for commercial, recreational, scientific, or educational purposes is occurring or is likely to occur.

OR

c) Existing state or federal programs or regulations are inadequate to protect the species or its habitat.

Decision Not to List a Species that would Otherwise Qualify for Listing

3. The Commission may decide, under certain circumstances, not to list a wildlife species as endangered that would otherwise qualify to be so listed.

a) Is the future of the species secure outside this state?

OR

b) Is it true that the wildlife species is not of cultural, scientific, or commercial significance to the people of this state?

OR

c) Has the species been listed as threatened or endangered pursuant to the federal ESA?

Peer Review & Public Comment

Peer Reviewers with Scientific Subject Matter Expertise

- Gary Falxa, USFWS (retired)
- Deanna Lynch, USFWS
- Kim Nelson, OSU
- John Piatt, USGS

Public Comments

- Several thousand comments received and considered
- Additional comments received prior to Feb. 2018 decision

Commission Decision

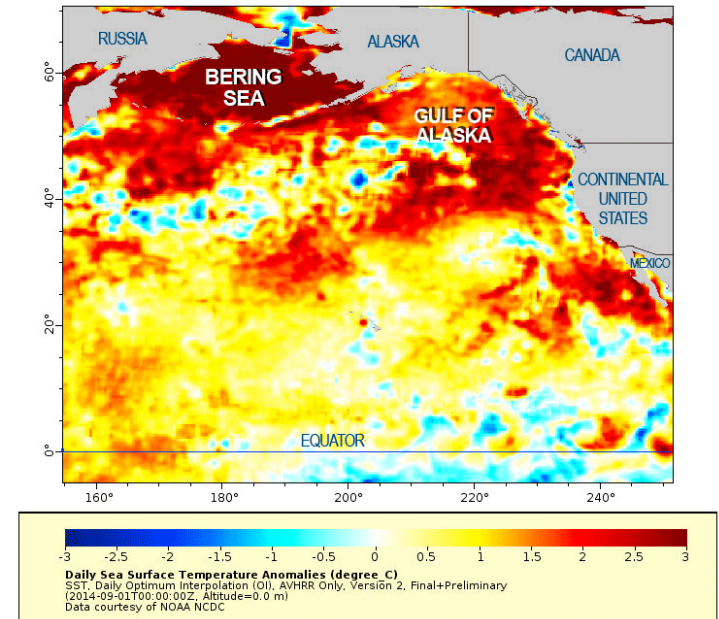
Option 1 – Accepted the Petitioners' recommendation to reclassify the Marbled Murrelet as endangered under the Oregon ESA. Directed staff to develop survival guidelines for adoption at the time of reclassification in June 2018.



Photo: Nick Hatch, USFS

Key Considerations

- Habitat requirements, life history
- At-sea survey results
- OSU telemetry data
- Extinction probability models
- Habitat change analyses
- Threats, stressors, climate change



Images (top to bottom): SST Anomalies Graphic, NOAA; Chetco Bar Fire, InciWeb Incident Information System

Implications of Uplisting

- Uplisting will affect some state-owned/managed lands
- Oregon ESA requires state land-owning/managing agencies to develop endangered species management plans and to comply with Commission adopted survival guidelines

Economic Considerations

- A biological status review does not examine economic implications of uplisting
- Economic considerations enter into developing and future implementation of survival guidelines and approval of endangered species management plans

Next Steps

- Mar. 2018: Draft survival guidelines
- June 2018: Rulemaking to reclassify species, adopt survival guidelines
- Dec. 2019 (within 18 months of uplisting): Affected state agencies develop, adopt endangered species management plans
- June 2020 (within 24 months of uplisting): Commission reviews, approves endangered species management plans

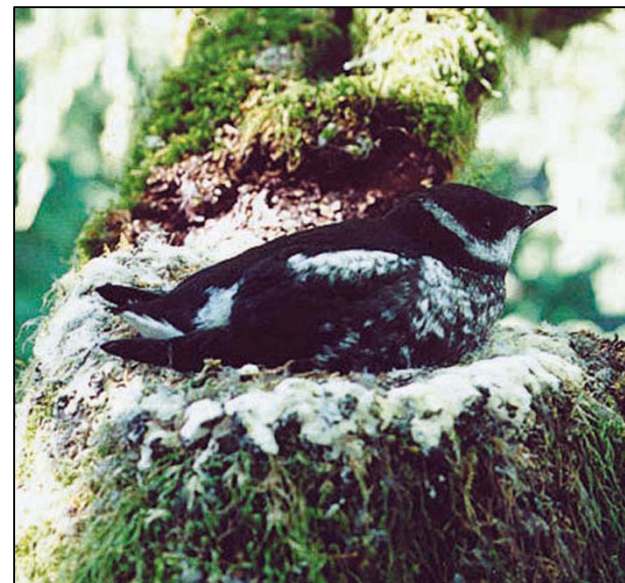


Photo: Tom Hamer



Photo: Rich MacIntosh, USFWS