



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Wildlife Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6301

FAX: (503) 947-6330

Internet: www.dfw.state.or.us/

February 16, 2017

Dear Interested Party:

**Subject: Notification of Marbled Murrelet Status Review and Consultation
Pursuant to ORS 496.176(4) and OAR 635-100-0105(10)**

The Oregon Department of Fish and Wildlife (Department) is evaluating the status of the Marbled Murrelet (*Brachyramphus marmoratus*) in Oregon. This status review is in response to a petition received by the Oregon Fish and Wildlife Commission (Commission) on June 21, 2016 from 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. The petition requests that the Marbled Murrelet be reclassified from threatened to endangered (uplisted) under the Oregon Endangered Species Act.

The Marbled Murrelet is a small seabird that breeds along the Pacific Coast from Alaska to central California. It spends most of its life in marine waters but flies inland to nest in old growth and late-successional forests. The Marbled Murrelet was listed as threatened under the federal Endangered Species Act in 1992 and threatened under the Oregon Endangered Species Act in 1995. The species is currently listed as state-endangered in both Washington and California.

At its meeting on September 2, 2016, the Commission determined that the petition contained substantial scientific information to initiate a Marbled Murrelet status review for Oregon. The Commission is required to make a final determination on whether reclassification is warranted under OAR 635-100-0111(1) within one year from the date of receipt of the petition (i.e., by June 21, 2017); the Commission may extend this deadline for up to 12 additional months if the Commission determines that the information available is limited or other appropriate circumstances require the extension (OAR 635-100-0110(8)).

In making a reclassification determination, the Commission is required to consult with affected state and federal agencies, affected cities and counties, affected federally recognized Indian tribes, the Natural Heritage Advisory Council, other states having a common interest in the species, and interested persons who have asked to be consulted and whose names are included on the Commission's mailing list for such purposes (ORS 496.176(4); OAR 635-100-0105(10)). Input by these groups and individuals is critical to the review process.

So that the Commission can consider all appropriate scientific and other data available on the species to reach a justified decision and comply with the requirements of ORS 496.176(4) and OAR 635-100-0105(10), the Department requests that you provide any documented and verifiable scientific information or other data that would assist in evaluating the criteria for reclassification of a species from threatened to endangered laid out in OAR 635-100-0111(1) and 635-100-0105(6). For reference, the reclassification criteria are (1) a determination that the likelihood of survival of the species has diminished such that the species is in danger of extinction throughout any significant portion of its range within Oregon; and (2) a determination that one or more of the following three factors exist: (a) that most populations of the species are undergoing imminent or active deterioration of their range or primary habitat; (b) that overutilization of the species or its habitat for commercial, recreational, scientific, or educational purposes is occurring or is likely to occur; or (c) that existing state or federal programs or regulations are inadequate to protect the species and its habitat.

Pursuant to 635-100-0100(16), information that would be considered “verifiable” includes, but is not limited to: (a) articles and information published in peer-reviewed scientific journals, such as the *Journal of Wildlife Management* and *Transactions of the American Fisheries Society*; (b) information developed by the Department, which has been peer reviewed by outside experts (e.g., agency management plans, *Nongame Wildlife Program Technical Reports*); (c) information developed by federal agencies, which has been peer reviewed (e.g., peer-reviewed agency management plans, final environmental impact statements, adopted recovery plans, interagency technical reports); (d) peer-reviewed data gathered by the Department or others using standard methodologies or protocols; and (e) information developed by the Pacific Northwest Electric Power and Conservation Planning Council or other organizations, which has been peer reviewed.

The Department’s staff have already reviewed many documents regarding the Marbled Murrelet such as those listed in the petition. The petition is available from the Commission website at http://www.dfw.state.or.us/agency/commission/minutes/16/09_sept/Exhibit%20F_Attachment%202_Petition.pdf. If you believe that you have data or other information that would augment this information, please provide it to the Department by April 7, 2017. This will enable us to evaluate the information prior to a briefing before the Commission on June 9, 2017 and to include it in our status review. Once staff have completed the status review, we will provide a draft for public comment and peer review.

Please send information to: ODFW, Marbled Murrelet, 4034 Fairview Industrial Drive SE, Salem, OR 97302. Information may also be submitted by email to odfw.marbledmurrelet@state.or.us. If you have any questions regarding this matter, please contact Christina Donehower (503-947-6099). Note that information submitted, including names and addresses, may become part of the public record.

We would like to thank you for any assistance you might provide the Department in this important process. A handout with additional background on the Marbled Murrelet and Oregon Endangered Species Act is enclosed. Periodic updates and other resources will also be posted to our Marbled Murrelet webpage at http://www.dfw.state.or.us/wildlife/hot_topics/marbled_murrelet.asp.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Blakely". The signature is fluid and cursive, with a prominent initial "K".

Kevin Blakely
Wildlife Division Deputy Administrator

Enclosure