

Exhibit G  
Simon Hare  
Josephine Co.  
Commissioner

June 7, 2108

Curt Melcher, Director  
Michael Finlay, Chair  
And Members of the Fish & Wildlife Commission

Director Melcher, Chair Finlay, and Member of the Commission,

For the record, I am Josephine County Commissioner Simon Hare.

As Commissioner Sweet has stated, southwest Oregon counties are facing real economic distress and I share his concern. Josephine County is no stranger to the social and economic impacts of losing public safety services like sheriff patrol and jail beds. We are the county that is famous for a 911 call from a woman whose house was being broken into, and the dispatcher had to tell her there was no deputy to help her. Just a year ago, our voters approved a 5-year operating levy to restore jail beds and reopen our juvenile detention facility.

I am here today to urge you not to up-list the Marbled Murrelet, and I want to share with you concerns about the science upon which your decision rests.

Currently the entire body of knowledge regarding nesting characteristics and behaviors for the Marbled Murrelet is based on 75 known nests across Oregon. That's 75 nests over nearly a 30-year time period, from the early 1990's to today.

The survey protocol for the Marbled Murrelet is based on the Pacific Seabird Group recommendations. This is a third-party organization whose recommendations are not bound by strict adherence to standards for peer reviewed and published literature. Because the US Fish & Wildlife Service (USFWS) has not adopted a protocol for surveying the Marbled Murrelet, some courts have defaulted to the Pacific Seabird Group as "best available science".

The Pacific Seabird Group survey protocol makes the assertion that if an observer witnesses certain subcanopy behaviors, then that equates to nesting in the vicinity and therefore the entire survey area is deemed occupied.

However, some of the sub-canopy behaviors of Murrelets have not been well documented as being indicative of nesting activity. I have been unable to find research that examines the reaction of birds to disturbances near nest sites, what types of sounds, at what distances from the nest are the birds affected. In the absence of this data, it is an easy recommendation to stop all activity in an entire forest as long as the forest is similar in stand type.



A very large portion of the "research" on the Marbled Murrelet has been conducted using models to predict conclusions. These models are being calibrated with information from few actual known sites, and very little actual "known" or well documented behaviors.

The best data we have are the at-sea counts of actual Marbled Murrelet. These at-sea counts have been conducted annually by USFWS since 2000, and they conclude that the Oregon population of Marbled Murrelet is trending positive, and this trend line is statistically significant. The current population in OR, WA, and CA is estimated to be between 20,000 and 29,000 birds.

While nearly 30 years of surveying using the Pacific Seabird Group protocol has rendered only 75 known nests in Oregon, current research at OSU has captured and tagged over 100 birds in just 2 years.

Last year's birds, 61 in total, exhibited a behavior previously unknown to Marbled Murrelet researchers, as they documented birds flying as far south as San Francisco, and as far north as the Canadian border. Previous opinion was that the Marbled Murrelet did not travel very far north or south, but rather lived their entire lives in a very small geography between coastal forests and ocean.

This year's birds, over 50 in total, are already exhibiting nesting behaviors, and one nest has been identified and a camera installed to observe behavior.

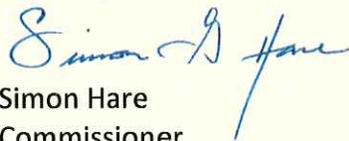
Thanks to this continuing research we will develop a much more comprehensive body of information that will help us more meaningfully understand the behaviors and habitats of this species.

I strongly urge you to wait for this information before you consider changing the status of murrelets, especially in light of the positive trend in population counts within Oregon.

Being able to achieve a balance that protects murrelets and protects important social and economic values in our rural counties should be your goal.

Thank you for your time and attention. I am happy to answer any questions.

Sincerely,



Simon Hare  
Commissioner  
Josephine County



Columbia County



## Board of Commissioners

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June 4, 2018

ODFW Commissioners

Email to: [odfw.commission@state.or.us](mailto:odfw.commission@state.or.us)

RE: Marbled Murrelet Uplisting and Survival Guidelines

Dear Commissioners,

Columbia County is a timber county. More than 75% of our land area is forested. We are home to small woodland owners, private and industrial timber, and state, and O & C Lands. The uplisting of the Marbled Murrelet and the development of survival guidelines may have a significant impact on the future of Columbia County jobs and our forest production.

In Columbia County many of our best paying, fully benefitted jobs are closely related to forest products. The average annual wage in Columbia County for private sector jobs is just over \$37,000. Wages in forestry, wood products manufacturing, and trucking range from \$44-\$58,000 per year. These are essential jobs that strengthen the social and economic fabric of our communities.

By comparison, tourist sector jobs in Columbia County pay around \$17,000 per year.

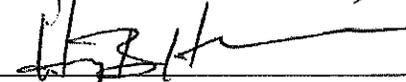
There is insufficient science to support the uplisting and to provide adequate data for development of survival guidelines. Current research by Oregon State University, during the last 2 years, is providing increased information on the life cycle of the Marbled Murrelet. There is an indication, from this research, that the population is increasing. This continuing research should reveal a more in-depth look into the life cycle and survival needs of the birds.

ODFW  
06.04.18

We support achieving a balance between the environment, the economy, and the cultural needs of our communities. We urge you to wait until the OSU research data is available before making a decision on this issue, a decision that may have significant negative impacts on the economy of Oregon's timber counties and the Pacific Northwest.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Margaret Magruder, Chair

By:   
Henry Heimuller, Commissioner

By:   
Alex Tardif, Commissioner



## LANE COUNTY BOARD OF COMMISSIONERS

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Jay Bozievich  
Pat Farr  
Sid Leiken  
Pete Sorenson  
Gary Williams

June 4, 2018

Ms. Roxann Borisch, Rules Coordinator  
4034 Fairview Industrial Drive SE  
Salem OR 97303

Dear Ms Borisch:

We write today in consideration of the Oregon Fish and Wildlife Commission's June 7<sup>th</sup> meeting regarding the Marbled Murrelet Reclassification and Adoption of Survival Guidelines.

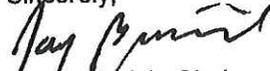
On May 1, 2018 at their regularly scheduled meeting, the Lane County Board of Commissioners reviewed the Department's "Marbled Murrelet Status Review", and noted particularly the sections relating to nesting suitability, approximate distribution of the bird, and predation trends and studies. Lane County will experience significant impact from new protections for the Marbled Murrelet on state lands, as we have the third highest acreage of state forests located within our boundaries, with these exclusively located in western Lane County. The financial impact of the Commission's decision to uplist the species in February, 2018 also has financial implications to not only Lane County, but also to schools and other taxing districts within western Lane County.

Subsequent to that decision by the Commission, we have learned of an effort by Douglas County to seek a reconsideration of the uplisting action and have seen their analysis on this issue. Lane County is in a similar socio-economic situation as Douglas County, largely as a result of federal threatened and endangered species listings, and our critique of the Commission's action is similar to comment we've made to federal agencies, that is, these decisions fail to recognize the negative impact on our ability to deliver critical public services. Lane County supports the request by Douglas County for a reconsideration of the February, 2018 action.

This said, Lane County submits the following comments to the draft Administrative Rules promulgated as the Marbled Murrelet Survival Guidelines:

- We find the definition of "suitable habitat" to be an important element of this plan, and in particular the definition indicates a 35 mile from sea as an implied inland boundary. However, we note the Review indicated that all nests found to date in Oregon have been within 30 miles of the sea. We would recommend that the definition be modified downward to 30 miles as a result.
- In a similar vein, the definition of suitable habitat should be emphasized in importance within the rule, eg, that no modification from existing practices needs to be contemplated in areas outside of that defined area. This would minimize at least some of the potential economic impact in terms of future revenues for the included taxation districts. For example, in section 1 of 635-100-0137, the draft rule states the "...survival guidelines shall apply only to actions proposed on lands owned or leased by a state agency...". This is not clear enough and should include "on suitable habitat".
- Section 4 does not fit into the structure of a rule. This entire subsection should be more directive, similar to Section 9 (directing agencies to minimize opportunities for unattended food particularly for corvids, rather than simply a finding of the Commission.
- The draft rules at Section 7 appear to be circular. That is, the definition of occupied site and suitable habitat, particular as modified by the word continuous, could lead to vast tracts of forest being determined to be off limits for harvest activity. This section needs work to ensure that only a nesting tree and its immediate environs are protected.

Sincerely,

  
Jay Bozievich, Chair





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*Exhibit G  
John Sweet  
Bob Main  
Melissa Cribbins  
Coos Co  
Commission*

**ROBERT "BOB" MAIN      JOHN SWEET      MELISSA CRIBBINS**

June 7, 2108

Curt Melcher, Director  
Michael Finlay, Chair  
And Members of the Fish & Wildlife Commission

For the record, I am Coos County Commissioner John Sweet.

Within the range of Marbled Murrelets, four Oregon counties (Columbia, Douglas, Coos and Josephine) own timberlands that are managed under the Oregon Forest Practices Act. These are lands that are separate and distinct from County Forest Trust Lands, though many of these parcels came into county ownership through foreclosure. The revenue generated from harvest on these lands helps pay for important services. Losing the ability to harvest will further erode our counties' ability to serve our citizens.

In Oregon's infancy, counties were statutorily created as an arm of state government, to provide certain support programs to citizens. Property tax has historically been the mechanism that funds county government.

Among the services that Counties provide are sheriff patrol, emergency dispatch, jail operations, criminal prosecution, juvenile justice, search and rescue, mental health, public health, and road and bridge maintenance.

Rural Oregon's citizens benefited until the 1990's from a robust revenue stream that came to us from timber harvested on federally owned land, through long-standing revenue sharing agreements with the BLM and USFS. As those lands were withdrawn from the harvest base, a revenue stream from federal general fund (your federal tax dollars) has supplanted revenue from timber harvesting. Programs like recently re-authorized Secure Rural Schools (SRS) were designed to be bridge funding for Oregon's counties and schools while a long-term solution was worked out. But, that log-term solution has proven to be elusive. Over the reauthorization of these bridge programs revenue sharing to counties has dropped very significantly. County budgets in rural Oregon, and the important services that were provided, have also contracted significantly.



We are often asked why we don't simply raise our tax rates.

In 1990, Oregonians voted for Measure 5 and Measure 50, property tax limitations that, among other things, set permanent tax rates for counties, ending our ability to raise property tax rates. Many rural counties had been funding services with timber harvest revenue, and were stuck with very low property tax rates. Since property tax rates cannot be increased, new revenue for county services can only be raised by fees or through passage of 5-year operating levies.

Southwest counties have been particularly hard hit by this double whammy.

Compared to Willamette Valley counties, for example, southwest Oregon counties have significantly lower assessed property values, lower average wages, and higher poverty levels. Five-year operating levies yield much lower revenue in rural Oregon, than in metro counties.

In southwest Oregon, rates of child, spousal and drug abuse, and enrollment in free and reduced school lunches are amongst the highest in the state.

Additionally, federal lands managers are ramping up use of stewardship and good neighbor authority programs. While these are important tools to reduce fuels on federal lands, counties are cut out of revenue distribution. Understandably, this departure from the traditional revenue sharing relationship is making counties nervous.

The viability universe is becoming smaller and smaller for our counties. As we seek to provide services that protect the safety, health and welfare of our citizens' revenue that is generated from management of our county timberlands is becoming increasingly important.

I do not support the up-listing of the Marbled Murrelet and urge you to maintain its status as threatened. As you continue your deliberations, I urge you to consider the impact your decisions could have on the social and economic stability of our region.

In Coos County, as in Douglas & Josephine, many of our best paying, fully benefitted jobs are closely related to forest products. In Coos County, our average annual wage in the private sector is just over \$35,000. Wages in forestry, wood products manufacturing, and trucking range from \$43-\$51,000 per year. These are important jobs that strengthen the social and economic fabric of our communities.



By comparison, tourist sector jobs in Coos County pay between \$17-\$21,000 per year.

As we move through these discussions, know that the consequences to counties of taking more land out of the harvest base are very real. Diminishing yet another county revenue producer, and decreasing the strongest part of our job base will have very real impacts, especially in southwest Oregon.

Thank you for your time and attention. I am happy to answer any questions.

Sincerely,

John Sweet  
Commissioner, Coos County



## Tillamook County



*Land of Cheese, Trees and Ocean Breeze*

Exhibit G  
David Yamamoto

Board of Commissioners  
David Yamamoto  
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Phone 503-842-3403  
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TTY Oregon Relay Service

June 7, 2018

Curt Melcher, Director, ODFW  
Michael Finley, Chair  
Members of the ODFW Commission

For the record, I am Tillamook County Commissioner David Yamamoto. I ask that you take a very thoughtful, measured approach to your deliberations concerning policy implementation for the Marbled Murrelet. We must all realize that policy decisions by Oregon Department of Fish and Wildlife (ODFW) can and do have severe impacts on people living in rural areas. Over the past several decades, as we saw first federal timber sales, and now state timber harvests dwindle, and pressure on rural county budgets is nearing crisis levels.

Public services affected extend well beyond county general fund departments such as sheriff, public health, and roads, but also include schools, community colleges, libraries, 911 centers, fire and rescue, and the list goes on and on. Tillamook County residents are a proud, hardworking lot and we are not looking for a hand out. All we are asking is to be able to continue our livelihoods in the traditional natural resource-based industries that built our great county.

In Tillamook County, many of our best paying, fully-benefited jobs are closely related to forest products. Our average annual wage in the private sector is just over \$36,000. Wages in forestry, wood products manufacturing, and trucking range from \$43 – 53,000 per year. These are important jobs that strengthen the social and economic fabric of Tillamook County. In contrast, our growing tourism sector pays roughly \$20,000. Your *Notice of Proposed Rulemaking* (attachment 3) glosses over the issue of fiscal and economic impact by stating “Eight County Governments derive revenue from the Oregon Department of Forestry (ODF) timber sales”. “These counties could be affected by any changes in ODF timber sales”. “Small businesses involved in the bidding for timber sales may be affected by these rules.” This cavalier attitude towards good, hardworking people in rural counties such as ours is unacceptable.

It was not more than a generation or two ago that conservation logic told us we needed to take every stick of wood out of streams and rivers because it was blocking the migration of fish up and down stream. Today, the exact opposite is true where we are told that putting as much complex wood structure as possible into the water is important for fish habitat. This rush to protect a species without adequate study could do more harm than good.

This brings me to the recent uplisting of the Marbled Murrelet from threatened to endangered by ODFW in February, 2018. When ODFW Director Curt Melcher presented to Association of Oregon Counties (AOC) in March explaining how and why the commission decided to uplist, it was evident and admitted by Director Melcher that the science was incomplete at best. Half a dozen times during the presentation, we were told that the Marbled Murrelet was a very “secretive” bird and we really knew little about it. We were also told that Oregon State University (OSU) was starting the second year of a 10-year study.



When pressed on the criteria used for uplisting, Director Melcher told us it was habitat loss. When pressed for the desired outcome of the uplisting, he told us it was habitat protection. The ODF staff report states that the birds are difficult to detect, nests are extremely difficult to find, and there is no efficient and effective method to locate nests. At the same time, this staff report says surveys indicate the population trend is likely stable. Results for state-wide population trends for Oregon indicate an increase of 1.7% per year from 2000 to 2015.

It is imperative that we include a detailed assessment of the social and economic impacts of implementing any conservation measures proposed for the Marbled Murrelet. As we move forward, we must not ignore the most recent science, nor make decisions based on a lack of science. OSU is starting the second year of a 10-year study...in the context of a stable and increasing population of Marbled Murrelet, why should we develop and implement new rules with deleterious social and economic effects for rural coastal counties.

Your own background report given to you today (Attachment 2) states "The Oregon Endangered Species Act (OESA) requires the Commission to base any reclassification decision on documented and verifiable scientific information". "The NWFP's Marbled Murrelet Effectiveness Monitoring Program monitored murrelets at sea in Oregon nearly annually from 2000 – 2015 and did not find evidence of a population decline during that period for Oregon." "The fairly wide confidence limits for these population estimates reflect the challenges of monitoring a highly mobile seabird that is sparsely and patchily distributed, as well as constraints on survey effort." Given the current state of true scientific research on the Marbled Murrelet, placing new restrictions on possible areas of concern is not in the best interest of Oregonians.

Thank you for your time and attention.

Sincerely,



David Yamamoto  
Vice Chair, Tillamook County Board of Commissioners



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Boise Wood Products

Exhibit G  
Lindsay Warness



**Boise Cascade**

June 6, 2018

Good morning Chair Finlay, and members of the commission. For the record my name is Lindsay Warness, and I am the Forest Policy Analyst for Boise Cascade. Boise Cascade has been operating in Oregon for over 60 years. We operate mills in Southwest Oregon as well as Northeast Oregon and directly employ over 1,500 people. We rely on a steady supply of timber from private, state and federal forests to keep our manufacturing sites running.

I'm here to offer comment regarding the decision before you on whether to uplist the marbled murrelet from Threatened to Endangered on the State Endangered Species list. It should be noted that I work primarily on the eastside of the state, but have seen the effects of other decisions that were made which had devastating effects on local communities. When I learned that this decision was on the agenda for our meeting here in Baker City, I was puzzled because we are roughly 300 miles east of the eastern most edge of impacted communities. In my opinion, if you are looking for transparency and a full, robust discussion from both sides, it would be more appropriate to have these discussions and make this type of a decision with the input of those who will be the most affected. A decision of this magnitude should be discussed, debated and the consequences fully understood by all before finalization. It seems that there is a great deal of learning that is still to come regarding this species and rushing to judgement does not ensure that we understand the ecological, economic and social consequences of this action.

As I read more about the species I learned that the population numbers available from USFWS and USFS show a population that is growing in Oregon. And it appears that this bird is extremely difficult to study given its secretive nature, resulting in a lack of solid information about the bird and its behaviors. Making decisions of this magnitude with a lack of good long term data reminds me of past mistakes that have had severe consequences. When the Spotted Owl was listed in the early 1990s, Northeast Oregon experienced a severe curtailment of available fiber for our local communities as federal harvests dropped 90%. We lost 17 mills and over 1,200 jobs, which is equivalent to losing 106,000 jobs in the Portland Metro area. We are still struggling with high poverty rates, increased reliance on federal and state supplemental benefits, and changing population demographics. I am one of the lucky ones that was able to find a fulltime, family-wage job in a rural community. Most people my age and younger have to seek employment away from home in order to find a career.

Here in Northeast Oregon, we have experienced the consequences of a decision made without fully investigating the ramifications. These decisions have huge effects on the rural economies and forests. When the Eastside Screens were instituted, we were told that they were an 18 month interim measure while the FS gathered data. We've been living with these interim rules for almost 25 years and we are now trying to figure out how to restore these forests and reduce uncharacteristic wildfires that have extreme consequences on the very habitats we are trying to restore. Ultimately, the original

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June 6, 2018

author of the Eastside Screens, Paul Hessburg, has even stated that they were a mistake. Forest management is about ensuring that ecological, social, and economic values are equally represented and when one is skewed without consideration for the others, we are out of balance. Science is the foundation for these decisions, but my experience that science provides guidance but does not dictate the solutions as there are many other variables that are needed to come to a well-rounded decision.

As a stewardship partner with public and private land owners, Boise Cascade supports active forest management because it is critical to maintaining healthy forest ecosystems and to supporting natural resource-based communities. I am extremely concerned by the commissions actions regarding the potential to uplist this specie, 300 miles away from the affected communities and landscapes. There is ample room for more information gathering, discussion, and in-depth analysis of the ramifications that this decision will ultimately have. Making a decision 300 miles away from the impacted areas is not good governance and ignores a broad set of stakeholders that have a vested interest in the outcomes. I urge you to vote no on this uplisting because current measures appear to be working and the populations are improving. Please vote no.

Thank you for the opportunity to comment.

Lindsay Warness

Good afternoon Commissioners.

My name is Mark Wall and I am the land & timber manager for Roseburg Resources, Co. I strongly believe that the uplisting of the Marbled Murrelet is unnecessary given the current ~~science~~ population estimates and that the proposed survival guidelines have little scientific basis to support them.

As you know under ORS 496-176(3) the uplisting of a species is dependent on determining whether one or more of the following three factors exist;

- 1) That populations are undergoing imminent or active deterioration of their range or primary habitat
  - Nesting data confirms a preference for old growth timber in excess of 200 yrs old.
  - This age class is already protected under the NWFP on federal lands & on state lands for recreational or conservation purposes.



from approx. 8000 birds to 10,000 birds. This translates to a 1.8% annualized growth rate & was statistically significant at the 95% Confidence interval. This population increase strongly ~~supports~~ suggests that existing habitat protections & forestry practices across all ownerships are <sup>already</sup> sufficient to protect Marbled Murrelets. This most recent data does not suggest a species in imminent danger of extinction

It is therefore clear to me that the evidence & science do not support any of the 3 factors that you must consider for uplisting & therefore it is unwarranted & unnecessary.

Regarding the draft guidelines I would like to state that I do not like the precedences they set and the fact that many of them have no basis in science.

- I strongly disagree with a <sup>new</sup> definition of old growth forests as stands greater than 60



SUBJECT \_\_\_\_\_

BY \_\_\_\_\_

I therefore do not see an imminent or active deterioration of their habitat.

- Various projections show that this age class will ~~continue~~ increase over time due to ingrowth & expected continuation of current conservation practices, such as the NWFP.

2) That overutilization for commercial, recreational or scientific purposes is occurring or likely to occur.

- As far as I know they have never been hunted recreationally or commercially exploited for food & are already afforded protection from these threats.

3) That existing state or federal programs are inadequate to protect the species or habitat.

- The latest USFWS Marbled Murrelet Effectiveness Monitoring Team report dated May 2018 states that the Oregon population estimate for the period 2000-2016 ~~showed~~ increased by 26%



years old and that a single platform tree can render an entire contiguous stand an occupied site. While I understand these guidelines only apply to state lands I fully expect that ODF will be heavily pressured to adopt these guidelines & apply them to private lands too. In addition to financial impacts to landowners <sup>both</sup> small & large these guidelines will effectively cap rotation ages on private lands at 60 yrs and will undermine the intent of current wildlife tree requirements that encouraged landowners to leave large legacy old growth trees or other such trees to provide habitat diversity across the landscape. There will be no incentive to do this in the future. As you ~~consider~~ <sup>deliberate</sup> these draft guidelines you need to consider the unintended consequences they may have on private landowners and <sup>you</sup> should also challenge ODFW staff to substantiate the scientific basis for many of their guidelines which I believe you will find to be lacking. Think you





June 7, 2018

## Woodland Owners Who Love Their Land

Exhibit G  
Jim James

ODF&W Commissioners – My name is Jim James, Executive Director of The Oregon Small Woodlands Association, an organization that represents Oregon's 140,000 Family Forest Owners that own 42% of Oregon's private forests. You may recall, OSWA recommended the Commission not raise the Marbled Murrelet threshold from threatened to endangered in the State Threatened & Endangered Act. Our rationale that there is no urgency and we are just a few years away from credible scientific information from Oregon State University that will inform everyone about actual murrelet needs is just as valid now as it was in February. The huge lack of actual science about murrelets and conclusions based on models developed not for Oregon, but for the entire Northwest and Northern California and developed from that same limited scientific input justifies our rationale.

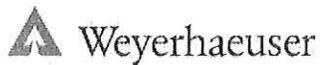
The fact that Marbled Murrelet populations are stable in Oregon was ignored by the Commission in February. You may or may not have heard that new information from the Interagency Regional Monitoring Program of USFWS has just been released. With the 2017 data there is no doubt murrelet populations are not only stable in Oregon but statistically on an upward trend from 2000 to 2017. The downward trend in the old research quoted by those in favor of the up list, is questionable. It had a short time period of decline but failed to explain the same short period of increase two years prior and to explain how such a change was possible with a species that at most has only one off spring per year. The Interagency Regional Monitoring Program by USFWS is considerably more rigorous and scientifically credible than the earlier research. Marbled Murrelets are not declining in Oregon under existing regulations. When you review the actual population information, I question whether murrelets have ever declined since listed by the US Fish & Wildlife as threatened as quoted by the uplist proponents.

Please reconsider your decision to up list the murrelet to endangered. Whatever you do, do not develop survival guidelines that are not based on actual science. The definition of habitat as a 60 year old conifer forest with one 4 inch limb is absurd without any scientific support. This is not the time to be overly restrictive when there is good reason to suggest the Commission made a big mistake in February.

You may think the Oregon T&E Species Act does not have the potential to impact private landowners. I hope you are not that naive. The Board of Forestry is evaluating Marbled Murrelets for possible Forest Practices Act protections. You may or may not know family forests in Oregon have a lot of older forests. A good way to encourage harvesting older trees is to create an incentive not to keep them for fear of losing the ability to harvest them. Your definition of habitat and other provisions in your draft survival guidelines could just be that incentive.



Exhibit G  
Meghan Tuttle



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June 7, 2017

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Dear Chair Michael Finley, Director Melcher and Oregon Department of Fish and Wildlife Commission members,

**Subject: Uplisting petition and survival guidelines for the Marbled Murrelet**

Thank you for the opportunity to testify today. My name is Meghan Tuttle and I am the Western Environmental Affairs Manager at Weyerhaeuser Company. Weyerhaeuser owns 1.6 million acres in Oregon, where we have operated for over 100 years, have 1,000 employees, and all of our forests are certified to third-party sustainable forestry standards.

While we recognize that the ODFW uplisting and the survival guidelines only impact state lands, we also recognize the impact an uplisting may have on rural Oregon communities, where most of our 1,000 Oregon employees live and work.

We believe that an uplisting is not necessary because of statistically significant increases in Oregon murrelet population trends, increases in older structure habitat across ownership patterns and increases in Marbled Murrelet research funding from the Oregon legislature. The legislative funding is the greatest investment in Marbled Murrelet research to date and will improve our understanding of murrelet science.

The proposed survival guidelines are premature until additional research is complete and overly conservative. There is limited scientific basis for defining suitable habitat as a 60 year stand or identifying 1 platform tree per acre as the minimum murrelet habitat criteria. The single platform tree per acre is particularly troublesome, as you have heard in other testimony, since legacy wildlife trees are a key component of stand management development. The survival guidelines disincentivize landowners to leave these important wildlife trees.

For a species with millions of acres of dedicated federal critical habitat, ODFW survival guidelines need not be based on such conservative guidelines. ODFW has an opportunity to focus on complimenting and contributing to the USFWS federal recovery plan, instead of adopting these guidelines and making the state unnecessarily accountable for recovery.

ODFW should not uplist the murrelet or approve the draft survival guidelines, particularly when the USFWS already developed a Marbled Murrelet recovery plan and we have increased population and increased habitat across the landscape.

Sincerely,

Meghan Tuttle, Western Environmental Affairs Manager





**OREGON FOREST &  
INDUSTRIES COUNCIL**

SUSTAINABILITY. SCIENCE. INNOVATION. GROWTH.

Exhibit G  
Seth Barnes

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Chair Finlay, Director Melcher, and members of the Commission, for the record my name is Seth Barnes and I am the Director of Forest Policy with the Oregon Forest & Industries Council. I'm here today to offer comment on the decision before you regarding the marbled murrelet.

First off, let me say how glad I am to be here this morning in sunny downtown Baker City to talk about murrelets with you all.

As a representative of the industry at large, as someone who has worked in forestry my whole career, and as someone who grew up on managed forestland that my family still owns, I can tell you from personal experience we are exhausted by these politically charged decisions. As a commission, and as human beings, I'm sure you are, too. The good news is, you don't have to fall victim to that. This is not and does not have to be a choice between supporting a bird species and supporting families and livelihoods in rural coastal communities. The truth is we are not anti-murrelet. It may surprise you to learn that I've worked hand in hand with many biologists over the years to protect occupied sites, I've spent days searching for stands with platforms, and I've written management plans that included generous provisions for the protection of different fish, birds, and wildlife species. I'm really no different than any professional forester in the field. There is another way and I urge you to leave this false dichotomy behind and embrace the next generation of collaborative, environmentally conscious foresters.

A vote not to uplist this species is not a vote FOR the industry, nor is it a vote AGAINST the bird. Make no mistake, those that perpetuate the US vs THEM culture are perpetuating a narrative that is outdated, and categorically untrue. Oregonians, including those who work in this industry, are tired of being forced to choose. We choose collaboration, we choose cooperation, we choose clean timber jobs AND marbled murrelets. You've heard testimony today from Wildlife Biologists who have spent their careers working with private landowners and non-profit groups to protect and enhance habitats for fish, birds, and wildlife populations. You've heard from foresters who are concerned that this precedent will force them to choose between legacy structures they would otherwise choose to enhance on the landscape, and the ability to manage their property into the future. These people, many of whom traveled across the state to be here in a place where there are no murrelets, are here today because they are proud of what they do and they want to continue to work in a field they believe in. I urge you, do not force these perverse incentives, do not create these unintended consequences. Not when so much good is happening out there; older forest structure is growing across the landscapes, larger riparian buffers are being left on private lands, conservation interests and industry representatives are working together to collaborate on cutting edge research, and the population of murrelets are increasing at a statistically significant rate across Oregon. A vote to uplist and approve these over-reaching and onerous survival guidelines based on very little actual data will only serve to mire us in the failures of the past.

As a Commission I urge you to allow science to inform your decision- the very best and highest quality data we have on this species shows a steady and significant increase in the population over the last 18 years. Please properly contextualize dire predictions based on modeled projections that are nearly 15

years old- this data point offers very little substance in comparison with actual observations and current empirical data collection. As researchers, we have moved beyond these types of modeled projections, and are seeking a new path with better and more reliable sources of data for this species. In governance and agency decision making, shouldn't we seek a similar path? The marbled murrelet is appropriately listed today as threatened- please allow the good work that is happening across Oregon to continue, and we will continue to see progress on a multitude of fronts. Don't upset this applecart by falling for tired narratives of us versus them. Let's move beyond that antiquated version of who we are. This Commission represents all of Oregon, there is no reason to uplist this species today, here in Baker City.

Respectfully,

Seth Barnes  
Director of Forest Policy

Good afternoon Commissioner Finlay, Director Melcher, and members of the Commission. For the record my name is Chris Heffernan and I am a local resident, rancher, and small forest landowner in Union County.

I'm here to offer comment on the marbled murrelet. I'm a rancher and a landowner here on the eastside of the state, we don't have too many marbled murrelets that I know of. That being said, when I learned that this decision was on the agenda for our meeting here in Baker City I was shocked- we are roughly 300 miles east of the eastern most edge of impacted communities. It's offensive that those who will be the most affected are constrained in their ability to testify in person. A decision of this magnitude that will come at the expense of Oregon communities should not be conducted in a way that geographically silences those voices. I know this issue all too well, It's not right when it happens to our community, and it's not right in this instance either- our state agencies can do better than this.

To add insult to injury, it appears, based on a recent federal report that I assume you've all seen, that populations of this bird are actually increasing. Yet here you are in Baker City responding to environmental special interest groups and planning to add more red tape, more state restrictions, and impact people and communities in rural Oregon.

I would remind you that this Commission is tasked with representing all Oregonians. This false sense of urgency and swift, politically-driven decision is wrong. These types of decisions always come at great expense to all Oregonians- this time it's the murrelet, next time it's a species affecting my community. That's not how we want our state agencies to work- that's not good governance.

I urge you to vote no on this uplisting, there is no reason to saddle real Oregonians with arbitrary regulations and further degrade our state assets, all the while out in the real world current measures appear to be working just fine and murrelet populations are improving. Please vote no.

Thank you,





Exhibit G  
~~Sherry Martin~~  
Jerome Rosa

June 4, 2018

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Oregon Cattlemen's Association is the voice for ranchers across our state. Our producers are stewards of Oregon's natural resources and rely closely on these resources for their livelihoods. As one of Oregon's largest sectors, we are an economic engine for the state economy. Our member's operations are more than small businesses; they are part of Oregon's history and culture, and family traditions throughout the state.

OCA has always worked closely with the Fish & Wildlife Commission to ensure protection of Oregon's environment as well as a sustainable environment for Oregon's agricultural industry. Our members pay the direct and indirect costs to ensure the viability of the whole spectrum of Oregon's fish and wildlife populations.

We are here today to express our significant concerns over the decision to uplist the marbled murrelet from "threatened" to "endangered." In general, we are concerned with Oregon's government agencies and citizen commissions moving too quickly, making decisions based on politics and fear, rather than sound science and the needs of all Oregonians. Often these decisions are made not in the face of science, but the threat of litigation from special interest groups.

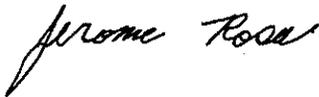
This commission is tasked with weighing the risks and benefits of policies that both protect the species we so dearly care about, and the people who rely on Oregon's natural resources and land to provide for their families and our citizens. In the past, we've seen the gravity of conservation-based decisions that, while important, decimate Oregon's still fledgling rural economy. Specifically, we do not believe that the Commission has taken adequate time to hear from all stakeholders in venues that will consider the unique needs of Oregonians in various geographies.

Moreover, we are concerned the Commission is lacking comprehensive understanding of marbled murrelet behavior or habitat. Continued research into nesting patterns and behaviors of marbled murrelet is ongoing; research funded by the Oregon Legislature and conducted at Oregon State University. This research indicates we are learning new insights about these sea birds - insights

which could drastically affect our understanding of their populations and the listing decision. Couple this research with US Fish & Wildlife Service information that concludes habitat is abundant due to state and federal forest management and populations are stable, if not increasing. Waiting for conclusions into existing research at OSU would indicate a pragmatic and thorough approach by ODFW and the Commission, and show Oregonians that we care about getting it right, particularly in light of the risks to our rural communities and natural resource based economy.

OCA is committed to advocating on behalf of our members. Both those who are generally concerned with the ramifications and precedent of hasty listing decisions, as well as those who specifically own timberlands or rely on partnerships with private landowners affected by the marbled murrelet listing. For these reasons, we urge you to reconsider your decision to list the marbled murrelet.

Thank you,

A handwritten signature in cursive script that reads "Jerome Rosa". The signature is written in black ink and is positioned below the "Thank you," text.

Jerome Rosa  
Executive Director



Associated Oregon Loggers, Inc. • P.O. Box 12339, Salem, OR 97309  
503/364-1330 • fax 503/364-0836 • email: rstorm@oregonloggers.org  
"Representing the logging industry since 1969"

Exhibit G  
Rex Storm

### **Oppose -- Uplist of Marbled Murrelet**

Comment by Rex Storm, Associated Oregon Loggers, Inc.  
before the Oregon Fish & Wildlife Commission – June 7, 2018

#### Exhibit G: Marbled Murrelet Reclassification and Adoption of Survival Guidelines

Chair Michael Finley and Commission members, my name is Rex Storm, Forest Policy Manager for Associated Oregon Loggers (AOL). I make these comments on behalf of the 1,000 member companies of AOL, representing logging, transportation, construction and allied forest management businesses working across Oregon. AOL member companies not only manage private and public forests on a contract basis, many also own forestlands throughout Oregon. Oregon's marbled murrelet status and management policies are of critical concern to our ability to keep forests healthy and sustainable into the future.

**We oppose the marbled murrelet uplisting status change and proposed survival guidelines. We urge you to reconsider your prior recommendation to uplist the marbled murrelet. Furthermore, we oppose the unreasonable proposed survival guidelines.**

It is premature for the Commission to decide that natural reproductive potential of the murrelet is in danger of failure due to limited population numbers, disease, predation, or other natural or human actions affecting its continued existence. Ongoing and future research findings are necessary before the accurate murrelet population status can be determined.

There is insufficient scientific and practical professional experience that would reliably demonstrate that Oregon's murrelet population is in imminent deterioration within its range across Alaska, Canada, Washington, and California. Nor is there any indication that overutilization of the species or habitat is occurring.

We strongly disagree that there is substantive evidence to demonstrate existing combined state, federal, and private forest management programs and practices are not sufficiently sustaining murrelet habitat. We argue that forested habitat and forest management programs and practices should be excluded from those factors influencing the sustainability of the murrelet and its habitat.

1. The published survival guidelines are over-reaching, arbitrary, and based on unfounded and contradictory presumptions, including several unsubstantiated estimations:
  - a. Proposed guidelines fail to consider all life-cycle factors (especially those non-terrestrial) that more strongly influence murrelet populations. These factors are insufficiently weighed in the proposals.
  - b. Proposed guidelines are overly precautionary in defining 60-year-young stands as suitable habitat. This contradicts ODFW's own status report to the Commission that *excluded* vast areas of such young habitat in its statewide inventories.
  - c. Guidelines arbitrarily designate *any* sub-canopy behavior as indicative of nesting behavior which is not well supported by the data. There's no significant support for that conclusion.
  - d. Any attempt to restrict activities, prescribe distances, buffers, or exclusions areas is unfounded and arbitrary. No scientific evidence demonstrates that known nest site disturbance impacts the species.

- e. Proposed guidelines would instruct the state to increase the number of nesting platforms available across the species range, without any scientific evidence that platform availability or characteristics have limited the murrelet. There today exists ample platforms for murrelets.
2. An uplist is unwarranted by contemporary science.
    - a. There is significant evidence that positive trend in murrelet population counts in Oregon.
    - b. Oregon has abundant murrelet habitat that's increasing on all forest ownership categories. Older tree structure availability for nesting continues to increase across all ownerships. Federal and state agencies have been adding older forest structure since the 1990's; private forest practices regulations mandate protection of large trees in riparian areas and wildlife tree retention.
    - c. Ongoing USFW monitoring efforts continue to show an increase in the marbled murrelet population size in Oregon over the last several years, to the point where USFW now concludes a statistically significant upward trend in population. These findings directly counter any sense of urgency or necessity for warranting increased restrictions.
    - d. We urge the Commission to exercise patience to prudently await for ongoing murrelet research to conclude, before making impactful status change decisions or issuing burdensome guidelines. Oregon is now investing in the largest murrelet research project in US history. This science has already begun to challenge conventional presumptions of murrelet habitat and behavior. Current guidelines by the Pacific Seabird Group (based on just 75 nest observations) are patently inadequate to warrant costly and damaging economic, social, or ecological practices.
  3. It would be premature and reckless to issue a murrelet status change and guidelines—without more completely considering the full-scope of economic, social and ecologic effects—such effects relative to the pending outcome of ongoing murrelet research.
    - a. Please do not execute the proposal—which would ignore the broader, more diverse factors of the species and its relationship to Oregonians and their successful land stewardship and innovative diverse management practices. The Commission is tasked with representing all Oregonians. There is no need to issue an expedient, albeit unsubstantiated and politically-driven decision.
    - b. Uplisting the murrelet would have serious social and economic consequences for rural Oregon coast range communities, some of which haven't recovered from the failed federal forest plan effort to protect species habitats at all costs to the Oregon economy and society. This proposal would be “piling-on” to compound the dysfunction and damage festering in the forested Oregon rural economy and society. Uplisting is the wrong decision for many reasons, which the Oregon Dept. of Fish & Wildlife staff has failed to share with you.
    - c. This proposal would create unnecessary cost burdens on Oregon taxpayers and businesses, as K-12 schools and local governments would be deprived of future Sate Forest timber income and productivity—from those forests that would be rendered less productive by a policy decision that would install the pre-eminence of the murrelet above all else.
    - d. It would be biased governance to alter the murrelet status and guideline without further consideration of a more complete scope of problems, alternatives, and consequences.
    - e. Rural Oregonians know from the failed federal forest experiment of making decisions in the absence of sound science—science that weighs fairly the consequences of economic, societal, and ecologic effects. Federal species-centric decisions fostered catastrophic forest health, public health, resource damage, and economic upheaval. The Commission today has an opportunity to reconsider its earlier decision—and not uplist today, and not adopt over-reaching guidelines opposed by rural forest Oregonians. We urge you to become informed by sound science and professional experience.

I make these recommendations in respect for the Commission's commitment to effective Oregon wildlife polices, which make Oregon a good place to grow and harvest trees.

Thank you for considering our opposition to the proposals for : a) premature marbled murrelet uplisting; and b) over-reaching survival guidelines.

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**DIVISION 100**  
**WILDLIFE DIVERSITY PLAN**

**635-100-0125**

**State List of Threatened and Endangered Species**

The state list of threatened and endangered species is as follows:

COMMON NAME	SCIENTIFIC NAME	Endangered (E)	Threatened (T)
<b>Fish</b>			
Hutton Spring Tui Chub	[ <del>Gila</del> ] <u>Siphateles</u> <i>bicolor</i> [ssp] <u>ssp</u>		X
Borax Lake Chub	[ <del>Gila</del> ] <u>Siphateles</u> <i>boraxobius</i>		X
Warner Sucker	<i>Catostomus warnerensis</i>		X
Lahontan Cutthroat Trout	<i>Oncorhynchus clarkii henshawi</i>		X
Snake River Spring/Summer Chinook Salmon	<i>Oncorhynchus tshawytscha</i>		X
Snake River Fall Chinook Salmon	<i>Oncorhynchus tshawytscha</i>		X
<b>Lower</b> Columbia River Coho Salmon	<i>Oncorhynchus kisutch</i>	X	
Lost River Sucker	<i>Deltistes luxatus</i>	X	
Shortnose Sucker	<i>Chasmistes brevirostris</i>	X	
<b>Amphibians and Reptiles</b>			
Green Sea Turtle	<i>Chelonia mydas</i>	X	
Leatherback Sea Turtle	<i>Dermochelys</i> [ <del>eriacea</del> ] <u>coriacea</u>	X	
Loggerhead Sea Turtle	<i>Caretta caretta</i>		X
[Pacific] <b>Olive</b> Ridley Sea Turtle	<i>Lepidochelys olivacea</i>		X
<b>Birds</b>			
Short-tailed Albatross	[ <del>Diomedea</del> ] <u>Phoebastria</u> <i>albatrus</i>	X	
<b>California</b> Brown Pelican	<i>Pelecanus occidentalis californicus</i>	X	
Western Snowy Plover	<i>Charadrius</i> [ <del>alexandrinus</del> ] <i>nivosus</i> <u>nivosus</u>		X
California Least Tern	[ <del>Sterna</del> ] <u>Sternula</u> <i>antillarum browni</i>	X	
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	<u>X</u>	[X]
Northern Spotted Owl	<i>Strix occidentalis caurina</i>		X
<b>Mammals</b>			
Gray Whale	<i>Eschrichtius robustus</i>	X	
Sei Whale	<i>Balaenoptera borealis</i>	X	

COMMON NAME	SCIENTIFIC NAME	Endangered (E)	Threatened (T)
Sperm Whale	<i>Physeter macrocephalus</i>	X	
Blue Whale	<i>Balaenoptera musculus</i>	X	
Humpback Whale	<i>Megaptera novaeangliae</i>	X	
[Black] <b>North Pacific</b> Right Whale	[ <del><i>Balaena glacialis</i></del> ] <u><i>Eubalaena japonica</i></u>	X	
Fin Whale	<i>Balaenoptera physalus</i>	X	
Kit Fox	<i>Vulpes macrotis</i>		X
Wolverine	<i>Gulo gulo</i>		X
Sea Otter	<i>Enhydra lutris</i>		X
Washington Ground Squirrel	[ <del><i>Spermophilus</i></del> ] <u><i>Uroditellus washingtoni</i></u>	X	

1 Statutory Authority: 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

2

3 Stats Implemented: 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

4

5

1 635-100-0137

2 Survival Guidelines for Marbled Murrelet

3  
4 (1) ORS 496.182(2) states that the Commission shall, at the time of listing, adopt by rule  
5 quantifiable and measurable guidelines that the Commission considers necessary to  
6 ensure the survival of individual members of the species. These survival guidelines shall  
7 apply only to actions proposed on lands owned or leased by a state agency, or where a  
8 state agency holds an easement, except road access easements across private lands.

9  
10 (2) These survival guidelines focus on measures to minimize potential for unauthorized  
11 take of Marbled Murrelets. "Take" is defined in section (12)(m) of this rule.

12  
13 (3) Pursuant to OAR 635-100-0140, a Commission-approved endangered species  
14 management plan for the Marbled Murrelet developed by an affected state agency shall  
15 supersede these survival guidelines.

16  
17 (4) While the survival guidelines described in ORS 496.182(2) apply to individual members  
18 of the species and resource site protection, the Commission finds that:

19 (a) State agencies can contribute to Marbled Murrelet recovery by increasing  
20 platform trees in suitable habitat on state lands.

21 (b) Marbled Murrelets require sufficient prey resources in the marine environment  
22 for survival and successful reproduction. Protections for the murrelet prey base  
23 of small schooling fish and invertebrates have been strengthened through  
24 adoption of Oregon's Forage Fish Management Plan in state waters and similar  
25 actions by the Pacific Fishery Management Council and National Marine  
26 Fisheries Service in federal waters. Additionally, the Department established a  
27 series of Marine Reserves and Marine Protected Areas which provide for  
28 conservation and scientific benefits including restrictions on the removal of  
29 marine life and prohibition on ocean development.

30 (c) Predation, particularly by corvids (jays, crows, and ravens), is a common cause  
31 of Marbled Murrelet nest failure. State agencies can help to reduce nest

1 predation risk by limiting wildlife access to human-supplied food sources in and  
2 around murrelet nesting areas which may otherwise lead to greater predator numbers.  
3 State agencies should adopt guidelines modeled after those developed by California  
4 Department of Parks and Recreation

5 (d) Large oil spills remain a serious threat and could kill hundreds of Marbled  
6 Murrelets in Oregon. State agencies with such responsibility should emphasize  
7 strategies that prevent spills of oil and other hazardous materials and commit  
8 adequate resources to planning, training, coordination with other government  
9 agencies and industry, and effective response in the event of a spill.

10 (5) Consistent with ORS 496.182(1), these survival guidelines seek to minimize duplication  
11 and overlap of state and federal laws and regulations pertaining to listed species:

12 (a) Pursuant to ORS 496.172(4), these survival guidelines shall not apply if the state  
13 agency is operating in compliance with, and has on file with the Department, an  
14 Incidental Take Permit for the Marbled Murrelet issued by the U.S. Fish and  
15 Wildlife Service (USFWS) under the federal ESA.

16 (b) These survival guidelines shall be preempted by any more protective measures  
17 required by the federal ESA.

18 (c) Actions not consistent with protection requirements in these survival guidelines  
19 shall be allowed if the state agency can demonstrate to the Department that it is  
20 complying with the federal ESA through an ongoing process of consultation with  
21 the USFWS, and is acting in alignment with USFWS advice.

22 (d) Protection requirements contained in these survival guidelines may be changed  
23 for reasons of forest health or public safety with written approval from the  
24 Department. Actions not consistent with these protection requirements should  
25 prevent, reduce, or alleviate the forest health or public safety conflict or hazard  
26 while meeting the intent of protection to the maximum extent possible.

27 (e) In cases of emergency, such as wildfire and search and rescue situations, nothing  
28 in these survival guidelines is intended to delay the necessary response to secure  
29 human life and property.

1 (f) State agencies shall document and retain information and other data related to  
2 survey results, protection of Marbled Murrelet occupied sites, and associated  
3 decision-making.

4 (g) The Department may schedule periodic meetings with other state agencies. At  
5 these meetings, state agencies will review projects and activities that occurred  
6 under these survival guidelines, and determine whether changes to these  
7 requirements are needed.

8  
9 (6) Prior to implementing a project that removes trees and has the potential to take  
10 Marbled Murrelets, surveys of the project area shall be conducted for a minimum of  
11 two five consecutive years to determine if it is occupied by murrelets. "Take" is  
12 defined in section (12)(m) of this rule.

13 (a) An approved survey shall be used when surveying for Marbled Murrelets.

14 (b) Notwithstanding section (6)(a) of this rule, approved survey requirements will  
15 be phased-in to minimize potential operational and fiscal impacts. As of June 30,  
16 2020, and thereafter, all projects in final state agency plans that remove trees  
17 and have the potential to take Marbled Murrelets shall have at least two years of  
18 approved surveys.

19  
20 (7) State agencies shall designate and protect occupied sites and associated buffers on state-  
21 owned, managed, and leased lands. Occupied sites and buffers exclude adjacent private  
22 and non-state public lands.

23 (a) If subcanopy behaviors are detected or if a nest site is found, then all continuous  
24 suitable habitat in a project area shall be designated as an occupied site.

25 (b) If the USFWS agrees in writing that a different extent or configuration  
26 adequately delineates the designated occupied site and buffer, section (7)(a) of  
27 this rule shall not apply.

28 (c) Projects that remove trees shall be prohibited in occupied sites and buffers to the  
29 extent that habitat function is changed for Marbled Murrelets. Exceptions to  
30 this rule may be allowed after prior consultation with and approval by the  
31 Department, or prior review and approval by the USFWS.

1           **(d) Forest management activities, such as manual release operations and pre-**  
2           **commercial thinning to maintain the growth and survival of conifer**  
3           **reforestation in buffers, is only allowed September 16 – March 31, or with daily**  
4           **timing restrictions (between two hours after sunrise and two hours before**  
5           **sunset) from August 6 - September 15.**

6           **(e) Removal of downed or standing trees that present imminent safety hazards to**  
7           **persons or property, or that obstruct existing roads, trails, utility corridors, and**  
8           **rights-of-way is allowed.**

9  
10       **(8) The following projects and activities that have the potential to take Marbled Murrelets**  
11       **in occupied sites are prohibited (“Take” is defined in section (12)(m) of this rule):**

12           **(a) Use of chainsaws and heavy equipment within the buffer of an occupied site**  
13           **from April 1 - August 5. These activities are allowed from August 6 - September**  
14           **15, between two hours after sunrise and two hours before sunset.**

15           **(b) Burning within 0.25 mile (0.40 kilometer) of an occupied site from April 1 -**  
16           **September 15.**

17           **(c) Use of explosives within 1.0 mile (1.6 kilometers) of an occupied site from April 1**  
18           **- September 15.**

19           **(d) Established public uses and maintenance of existing infrastructure, including**  
20           **but not limited to, roads, trails, campgrounds, picnic/day use areas, and**  
21           **buildings are not subject to section (8)(a) and 8(b) of this rule.**

22  
23       **(9) State agencies shall provide information and outreach to the public to prevent the**  
24       **intentional and unintentional (e.g., unattended food, food trash) feeding of wildlife.**  
25       **Food-related trash shall be secured in wildlife proof containers at established public**  
26       **recreation areas such as parks, campgrounds, picnic/day use areas, trailheads, and**  
27       **associated parking areas within or immediately adjacent to suitable habitat.**

28  
29       **(10) State agencies shall consider protection of Marbled Murrelet occupied sites in fire**  
30       **management, including wildfire prevention, preparedness, and response. Fire**  
31       **management should identify occupied sites as high-value natural resources.**

1  
2 (11) For all other projects and activities not described in these survival guidelines with  
3 potential to take Marbled Murrelets, state agencies shall notify and consult with the  
4 Department to determine conservation measures appropriate to the situation. "Take"  
5 is defined in section (12)(m) of this rule.  
6

7 (12) For the purposes of implementing these survival guidelines, the following definitions  
8 apply:

9 (a) "Approved survey" refers to **PSG Protocol Surveys. a method accepted by the**  
10 **Department or USFWS for surveying Marbled Murrelets in forests.**

11 (b) "Buffer" means, at a minimum, a **328646-foot (1200 meter)** wide protected  
12 zone around the perimeter of an occupied site. Buffers exclude adjacent private and  
13 non-state public lands.

14 (c) "Continuous" means no gaps in suitable habitat wider than **328646 feet**  
15 **(100200 meters).**

16 (d) "Forest stand" means an aggregation of trees that are sufficiently uniform in  
17 species composition, size, age, and condition as to be distinguished from adjacent  
18 aggregations.

19 (e) "Nest site" means a location with an active nest or evidence of a prior Marbled  
20 Murrelet nest, including eggs, eggshell fragments, or a downy chick.

21 (f) "Occupied site" means a continuous area of suitable habitat in a project area  
22 where Marbled Murrelets have been observed exhibiting subcanopy behaviors  
23 or in which a nest site has been found. Occupied sites exclude adjacent private  
24 and non-state public lands.

25 (g) "Platform" means a flat surface on a tree limb, which is generally  $\geq 4$  inches (10  
26 centimeters) in diameter, and capable of hosting a Marbled Murrelet nest.  
27 Platforms can be created by a wide bare branch, moss or lichen covering a  
28 branch, mistletoe, other deformities, or structures such as squirrel nests.

29 (h) "Platform tree" means any tree having one or more platforms that are generally  
30  $\geq 33$  feet (10 meters) high in a live coniferous tree.

- 1 (i) “Project area” refers to the geographic extent that will be directly affected by  
2 the proposed action, plus all continuous suitable habitat within 0.25 mile (0.40  
3 kilometer) of the proposed action boundaries. Project areas exclude private and  
4 non-state public lands.
- 5 (j) “State land-owning or managing agency” means an agency (or program within  
6 an agency) identified in OAR 635-100-0140(1)(a)-(n).
- 7 (k) “Subcanopy behaviors” refers to Marbled Murrelet behaviors occurring at or  
8 below the forest canopy, and that strongly indicate the site has some importance for  
9 breeding. Subcanopy behaviors include flying through the canopy, circling below the  
10 canopy, landing, and stationary calling or others as delineated by the PSG Protocol.
- 11 (l) “Suitable habitat” for state lands means old-growth, mature, coniferous forest  
12 stands that are generally greater than 60-years old, include at least one platform  
13 tree, and occur within 35 50 miles (56 80.5 kilometers) of the Pacific Coast.
- 14 (m) “Take” means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture,  
15 or collect or attempt to engage in any such conduct”, following the federal ESA  
16 (16 U.S.C. 1532(19)). Through federal regulations, “harm” is defined as “an act  
17 which actually kills or injures wildlife. Such an act may include significant  
18 habitat modification or degradation where it actually kills or injures wildlife by  
19 significantly impairing essential behavioral patterns, including breeding,  
20 feeding, or sheltering.” “Harass” is defined as “an intentional or negligent act or  
21 omission which creates the likelihood of injury to wildlife by annoying it to such  
22 an extent as to significantly disrupt normal behavioral patterns which include,  
23 but are not limited to, breeding, feeding, or sheltering” (50 CFR 17.3).
- 24  
25  
26

Exhibit G  
Heath Curtis



**OREGON FOREST &  
INDUSTRIES COUNCIL**  
SUSTAINABILITY. SCIENCE. INNOVATION. GROWTH.

PO Box 12826, Salem, OR 97309

June 7, 2018

Oregon Fish and Wildlife Commission  
2600 State Street  
Salem, OR 97310

**Re: Oregon Forest Industries Council Testimony on Proposed Marbled Murrelet Uplisting**

Chair Finley, Members of the Commission, Director Melcher,

For the record, my name is Heath Curtiss, and I am here on behalf of the Oregon Forest & Industries Council. Like so many others today, I implore you to decline the petition to uplist the marbled murrelet.

On the back of my printed testimony you will see two figures. The first is the projected modeling from 2004 for marbled murrelet populations in Zones 3 and 4, which cover Oregon. ODFW staff made great hay of that modeling at your February meeting, highlighting in their slides very high risks of extinction. You will see a sharp downward trend throughout the time series.

The second figure is the actual observed population trends in those same zones, as published last month. I have not altered these figures from the original studies in any way other than to highlight that portion of the time series in Figure 1 relative to the time series in Figure 2. The second figure styles the y-axis as population density, but because the area of those zones is defined, the population trend would look identical.

The 2004 modeling was plainly wrong. For sixteen years, the population in Oregon has been increasing, not decreasing.

In order to classify a species as endangered, Oregon law requires that you find the species is "in danger of extinction throughout any significant portion of its range within this state," ORS 496.004(6), and that the "natural reproductive potential of the species is in danger of failure." ORS 496.176(3). You must make that decision on the basis of "documented and verifiable scientific information about the species' biological statuts." *Id.*

These are findings you cannot make. To the contrary, given observed population trends, and aggressive growth of habitat on state and federal lands, all of the evidence points to the opposite conclusion. The marbled murrelet in Oregon is recovering. While it may remain threatened, there is no legal justification for an uplisting to endangered. If you insist on uplisting, please expect litigation and additional petitions for species reclassification, including for the marbled murrelet.

So, why would you uplist? What could be the possible motivation? As you've heard, the Oregon Department of Forestry is already aggressively managing for marbled murrelet. There are those who would use this body to make a political statement, and attempt to influence the Board of Forestry's work on resource site protection rules applicable to private lands. You should not allow yourself to be used in that manner. Please, reconsider your February decision and decline the petition to uplist. You have abundant legal authority to do so.



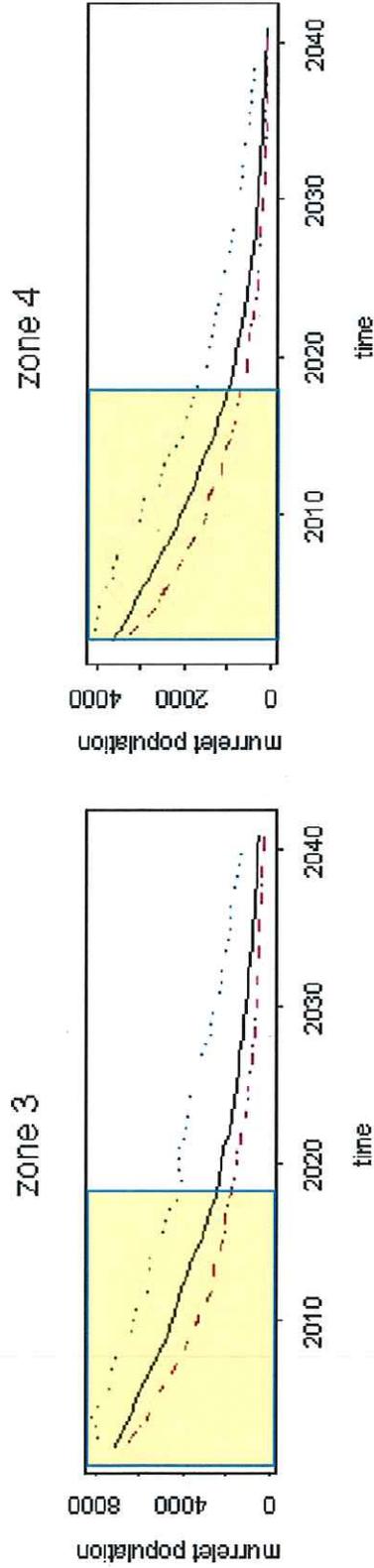


Figure 1. Modeled Projections from McShane et al. (2004).<sup>1</sup>

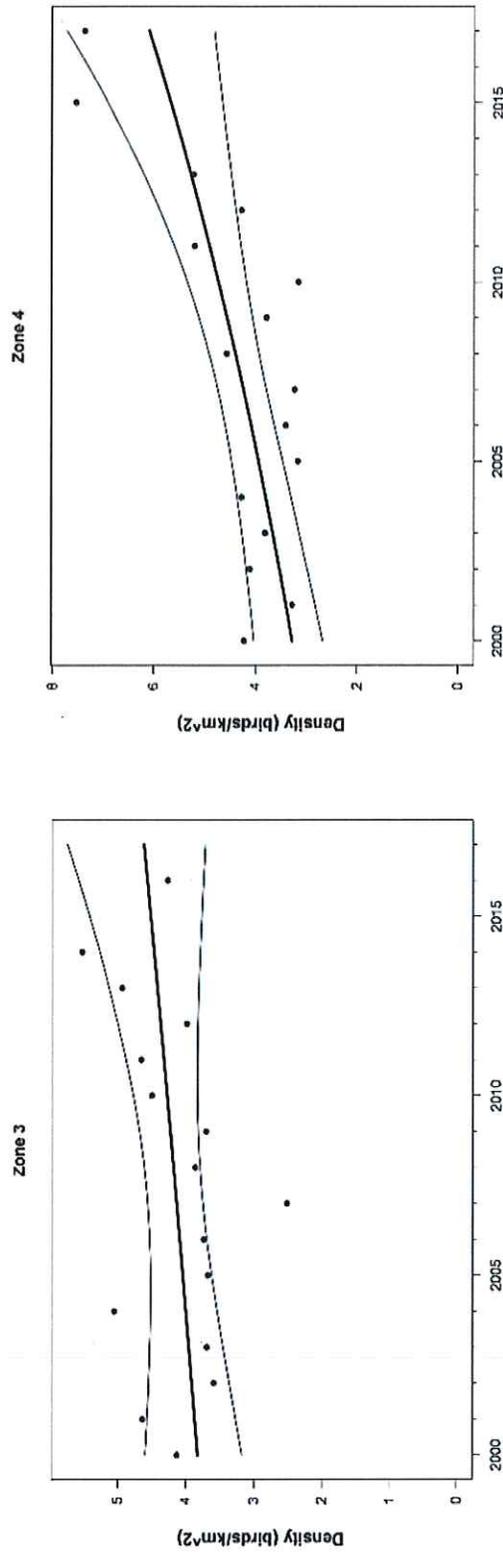


Figure 2. Actual Observed Trends from Pearson et al. (May 2018).<sup>2</sup>

<sup>1</sup> McShane, C. et al., Evaluation report for the 5-year status review of the Marbled Murrelet in Washington, Oregon, and California. Report prepared for the U.S. Fish and Wildlife Service, Region 1, Portland, Oregon. EDAW, Inc., Seattle, Washington (2004), available at <https://bit.ly/2jz17XJ>.

<sup>2</sup> Pearson, Scott F. et al., Marbled Murrelet Effectiveness Monitoring, Northwest Forest Plan: 2017 Summary Report, Northwest Forest Plan Interagency Regional Monitoring Program (May 2018), available at <http://bit.ly/2Jg6SII>.



Exhibit G  
Doug Cooper

## Oregon Fish and Wildlife Commission

### Testimony of Doug Cooper, Hampton Lumber

June 7, 2018

Chair Finley, Director Melcher, and Commissioners, thank for the opportunity to testify today. My name is Doug Cooper, I am Vice President of Resources for Hampton Lumber, a family owned company headquartered in Portland, Oregon. Hampton owns and operates four sawmills in northwest Oregon, two directly on the coast in the communities of Warrenton and Tillamook, and two more mills located in the communities of Willamina and Banks.

Today this commission is making a decision that will impact the management of coastal forests, and impact the long term economic viability of our sawmills and the communities in which we are vested. And the commission is doing so in eastern Oregon, far from the communities and lives most impacted by the decision.

Hampton sawmills and the over than 650 people directly employed by Hampton Lumber along with their families, and all the contractors, vendors, and local governmental entities benefitting from State Forest timber harvest, are the core of the economic and social engines of these communities. Hampton sawmills rely on a stable long term supply of timber purchased throughout NW Oregon, and specifically, a supply of timber purchased from the State owned and managed lands, their intended purpose.

I am here today to implore the commission to reverse its' February decision to uplist the status of the Marbled murrelet population in Oregon. The commission failed to appropriately utilize the most recent science and research now available, and to acknowledge an even greater body of science and research soon available.

Evidence according to United States Forest Service data, indicates that murrelet populations are actually increasing over the last 18 years. Oregon State University research, in just 2 years, is already tagging and tracking more birds than "experts" have observed in the previous 30 years. Nesting success and population abundance is believed to be constrained currently by the limited availability of food at sea, not the availability and quality of terrestrial habitat.

The science around murrelet subcanopy behavior is inconclusive and speculative, and to base survival guidelines for 'protection of individual members of the species' on that behavior as a data point calls into question the integrity of the interpretation of the science. Sixty year old trees is a ridiculous standard of suitable habitat. There is no science that supports a single platform in 60 year old Douglas-fir stands equates to murrelet habitat.

Any consideration of policy decisions by this commission or any other commission, that layer incremental restrictions on the management of forestland that will have detrimental impacts on the economic and social health of the communities dependent on that forestland, must be based on the most recent sound science available. To date, this commission has neglected to utilize the best available contemporary data and science. Today, you can act in good faith to reverse the decision to uplist the murrelet, and prevent the adoption of the biased and arbitrary proposed survival guidelines.

Thank you.





Hancock  
Forest  
Management®

A Division of Hancock Timber Resource Group  
A Muntz Asset Management Company

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June 7, 2018

## Comments on Marbled Murrelet Reclassification and Adoption of Survival Guidelines

Dear Chair Finley and Fish and Wildlife Commissioners,

For the record, my name is Jennifer Bakke and I am a Certified Wildlife Biologist with an educational background in Forest Resources and Wildlife Science and with 15 years working within the intersection of forestry and wildlife. My entire career has been in western Oregon within the range of the marbled murrelet, beginning as a seasonal employee conducting murrelet surveys to being responsible for implementation of state forest practice rule and federal endangered species act compliance on private lands in Oregon.

My comments today address three topics in the draft survival guidelines – population trend data, suitable habitat definition, and density of platform trees:

1. First, the marbled murrelet is not declining in Oregon, which suggests that existing state programs and regulations are adequate to protect the species and its habitat. The Northwest Forest Plan Interagency Regional Monitoring Program just released their 2017 Summary Report for Marbled Murrelet Effectiveness Monitoring. That report provides population trends from 2000-2016 and shows a *positive* trend in Oregon (1.8% increase; 95% CI: 0.1 to 3.6%). This information alone should be enough to nullify the Commission's decision to uplist the marbled murrelet, given that a positive population trend completely contradicts the assertion that the murrelet is in danger of extinction throughout any significant portion of its range within this state (635-100-0105(3)(b)). Furthermore, over the past 25 years, federal land has been managed to retain and recruit older forests, which is the preferred nesting habitat of the marbled murrelet. During that time, suitable and available nesting habitat has actually *increased* as harvest on federal land has decreased.
2. Second, murrelet habitat should be defined as a combination of features within a stand, including structural complexity. The proposed definition of suitable habitat, "old-growth, mature, coniferous forest stands that are generally greater than 60-years old, include at least one platform tree, and occur within 35 miles (56 kilometers) of the Pacific Coast" fails to address the necessary stand structure and complexity observed in documented murrelet habitat. In most published literature describing suitable nesting habitat for murrelets, it is described as being old-growth coniferous forest, which implies sufficient stand structure and complexity to qualify the stand as old growth. Most known nests are in large-diameter trees in old-growth forests (>200 years old). When a murrelet nest has been found in a younger tree, the tree contained structural features that promote platform creation. For example, the youngest recorded tree used for nesting was a 66 year old hemlock in the north coast range of Oregon, but it was infested with mistletoe which provided the necessary structure for

nesting. As such, the definition of suitable habitat should be less prescriptive or at a minimum recognize the need for structural features which promote nesting platforms.

3. My last point is that if platform trees are used as criteria for classifying murrelet habitat, there needs to be a minimum platform tree per acre value. To suggest that only one platform in one 61 year old tree meets minimum murrelet habitat criteria is biologically flawed. During their review, Plissner et al found that density of trees with suitable nesting platforms in stands used for nesting by murrelets ranged from 9 to 50 trees per acre; the minimum number reported was 2 platform trees per acre. They also reported that there is often a greater density of trees with platforms near nests than elsewhere in the stand. Their review of published literature did not find a single study where a murrelet nest was found on the only platform in a particular stand.

Notwithstanding the purpose of the survival guidelines, there are potential and likely unintended consequences of adopting survival guidelines that are prescriptive in nature and not founded in science. Though the survival guidelines prepared by ODFW are only intended to apply to state lands, the Commission should understand that these survival guidelines will likely be used as a benchmark in which to challenge future rule-making efforts by Oregon Department of Forestry.

If the survival guidelines are adopted as written, the Commission is setting the precedent that marbled murrelet habitat in Oregon is defined as 60-year old forests with a single platform tree. The unintended consequence that will likely play out among private forestland owners and managers, big and small, is that they will have to choose whether or not to take the risk of growing murrelet habitat. Said another way, private forestland owners and managers will be incentivized to harvest their trees before they reach 60 years of age. Furthermore, private forestland owners and managers will be incentivized to cut all legacy wildlife trees if a single tree might be all it takes to make an entire stand unharvestable. Private forestland owners have made significant investments in retaining and creating habitat for a suite of wildlife species. However, if that investment penalizes the landowner in the future, they may reconsider their management actions in the present.

In closing, I would like to remind the Commission that the Oregon Legislature committed millions of dollars to study this species. That study is being conducted by Oregon State University and is currently underway. It would be a shame to rush into a premature conclusion that the science does not support, simply to satisfy a false sense of urgency. I ask that you base all decisions on facts and science. Unfortunately, this uplisting and these survival guidelines do not do that.

Respectfully,

Jennifer L. Bakke, CWB®  
Wildlife Biologist  
Hancock Forest Management



Cafferata Consulting, LLC  
Practical Environmental Solutions

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June 7, 2018

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

RE: Comments on Marbled Murrelet Reclassification and Adoption of Survival Guidelines

Chair Finley, Director Melcher, and fellow Commissioners, thank you for the opportunity to testify today.

For the record my name is Fran Cafferata Coe, I am a free-lance Certified Wildlife Biologist®. The focus of my work is to assist large and small landowners including non-profits with a variety of projects. Much of my work is within the range of the marbled murrelet. In addition, my family owns and manages forest land in Yachats, Oregon – less than 1 mile from the beach (and a long way from here!).

For background about me, I have over 15 years of experience in environmental consulting. I am a member of both The Wildlife Society and the Society of American Foresters. I'm a Past President of the Oregon Chapter of The Wildlife Society and the current Chair of the Oregon Society of American Foresters. Being active in both societies allows me the opportunity to help wildlife and forestry professionals communicate and discuss common goals.

Because the marbled murrelet is found predominately in forested lands of western Oregon where I have spent most of my career, I have extensive expertise developing wildlife plans in the range of the murrelet. It's my job to be familiar with the science that informs our understanding of wildlife behavior and habitat needs and to help landowners protect those needs in accordance with sound scientific principles.

I have three points regarding the draft survival guidelines.

1. The draft survival guidelines include 60-year old stands in the definition of suitable habitat. Not only does this directly contradict ODFW's own status report to the Commission, but by assigning an age class to suitable habitat you are taking away any incentive for growing timber older than 60 years of age. The definition of suitable habitat should be structure-based.

2. To the point of structure-based habitat, you identify in the survival guidelines that a stand with only 1 platform tree has the potential to be suitable habitat. Not only is this not supported by science, but you are taking away any incentive to grow and retain structurally diverse wildlife trees that support many species, not just the murrelet. I have literally worked my entire career to encourage leaving legacy wildlife trees across the landscape and many landowners embrace this concept. This kind of language has the potential to undo all of that effort and is punitive with regard to these past well-intended efforts.
3. I understand that ODFW says the survival guidelines apply only to state lands. The reality is that these are precedent setting. In my experience these will influence management now and in the future. Further, by making the survival guidelines so prescriptive, private landowners like myself are afraid that we will lose the ability to manage our lands. We're far more likely to liquidate assets including valuable habitat now rather than face an uncertain future. This reality is an unintended and direct consequence of these guidelines.

In addition to the draft survival guidelines, I find your decision to uplist the murrelet premature. Ongoing USFWS monitoring efforts continue to show an increase in the marbled murrelet population size in Oregon over the last several years, to the point where USFWS now concludes a statistically significant upward trend in population (<https://www.fs.fed.us/r6/reo/monitoring/murrelet/NwfpAnnualMonitoringReportMurrelet2018.pdf>). These findings directly counter any sense of urgency or necessity for increased restrictions.

I strongly recommend that you reverse your decision and maintain the current status of the murrelet as threatened. In addition, I urge you to reconsider the language of the survival guidelines. The published survival guidelines are over-reaching, arbitrary and contradictory. At a minimum I suggest you make the changes to the points I make about structure-based management and the presence of platform trees.

Thank you



Fran Cafferata Coe, CWB®  
Cafferata Consulting, LLC  
Oregon Small Woodland Owner



June 5, 2018

**TO: Members of the Oregon Fish & Wildlife Commission**

**FR: Tom Sharp, Oregon Cattlemen's Association ESA Committee Chair and President-elect**

**SUBJ: Marbled Murrelet Public Testimony**

Dear Wildlife Commission Members,

I am submitting the following public testimony comments regarding the commission's consideration of up listing the Oregon ESA classification of the marbled murrelet species from Threatened to Endangered status. Such decisions have the potential of setting dangerous precedence for other future species decisions within Oregon, they must be considered with complete and accurate information, and they are almost always associated with significant impacts to Oregon industry and community economics.

ODFW says: *"The decision to reclassify the marbled murrelet as state-endangered will affect some lands owned, managed, and leased by state agencies but will have no direct impacts on private landowners."* That statement may be true, but the associated *indirect impacts* to private landowners represents concerns for extreme caution that I desire to bring to the attention of the Oregon Fish & Wildlife Commission:

**Livestock Grazing Impacting the Oregon Cattle Industry**

**Situation:** Oregon's beef industry as represented by the Oregon Cattlemen's Association is a leading sector of Oregon's agricultural economy representing value of almost \$1 Billion annually to the state's economy. Oregon's cattlemen operate upon private lands but also have dependency upon state and federal land grazing allotment permits. On the surface there would seem to be little or no nexus to the marbled murrelet's high above ground nesting habitat success rate in coastal old-growth forests and the livestock's on the ground activities. Neither ODFW's *Draft Biological Status Review* or the *Murrelet Up Listing Petition* requesting the commission's consideration of the marbled murrelet's Oregon ESA re-classification to Endangered status have identified or mentioned any concern that livestock grazing activity upon state owned, managed, or leased lands represents any threat or is a contributor to the population success or recovery of the marbled murrelet.

**Request:** Oregon Fish & Wildlife Commission and any state agency Survival Guidelines as may be developed for the marbled murrelet continue to recognize livestock grazing activities that may

exist upon state owned, managed, or leased lands as a permitted use activity and associated permittee grazing agreements will remain.

### **Timber and Logging Activities Impacting the Oregon Forest Products Industry**

**Situation:** The marbled murrelet is generally believed to be a Pacific coast seabird that spends the majority of its time on coastal waters but prefers nesting habitat high upon old-growth forest canopies as far as 50 miles inland. The petitioner's document requesting Oregon ESA up listing consideration says: *"Although most private timberlands support second- and third-growth forest stands that do not represent suitable murrelet habitat, some suitable habitat still remains on private lands. However, on private timberlands in Oregon, no surveys are required for marbled murrelets prior to timber harvest in suitable murrelet habitat. Thus, private forest lands not owned by timber companies are not likely to contribute murrelet habitat in the future if the regulatory framework remains the same (McShane et al. 2004)"* Similarly, the body of data pertaining to the population success of the marbled murrelet species remains unclear: Are "climatic changes" of coastal waters a factor? Predation? Natural disturbances (fire, wind, insect, and disease)? Clearly, needed information to reliably support the commission's decision process of up listing re-classification consideration remains unavailable. Nevertheless, the commission's up listing re-classification consideration has significant impact potential upon Oregon's Forest Products Industry utilizing state owned, managed, or leased lands and could set a dangerous precedence for regulatory mandates upon private landowners of forested timberlands.

**Request:** Oregon Fish & Wildlife Commission and any state agency Survival Guidelines as may be developed for the marbled murrelet protect Oregon's Forest Products Industry and protect private landowner rights from adverse economic impact and future regulatory control.

### **Sharp Ranches, LLC**

P.O. Box 85  
71965 Prather Creek Road  
Burns, Oregon 97720  
tel: 541-589-3317  
e-mail: [SharpRanches@aol.com](mailto:SharpRanches@aol.com)

Exhibit G  
Cheryl Martin



### Marbled Murrelet Testimony

Good Morning Commissioners and Director Melcher,

My name is Cheryl Martin. I'm a rancher here in Eastern Oregon and an executive board member for the Oregon Cattlemen's Association.

So you are asking yourself, "why is she speaking to us about the uplisting of a small bird that lives, nests and feeds in habitat 350 miles away?"

My concern is with the procedure that was used in making that decision. My livelihood, Oregon's economy, rural communities sustainability and your food sources are all heavily impacted by decisions that are made on a regular basis by commissions, boards and agencies like yours.

As I researched and read the status review on the Marbled Murrelet, I am mystified, astounded, as to how a conclusion was reached to uplist. The decision appeared to be made based on "possibilities, maybe's, what-ifs, and not sound, unambiguous, scientific data. I was perplexed when I read that there were **NO** surveys to provide a continuous assessment of trends in population from 1995-present and yet the main petition point was a possibility of extinction of 80% in 2100 and that there is actually a 1.7% increase in the accounted for murrelets.

I am concerned with the expediency with which the decision was made. A request for scientific information was made in 2017 and by Feb. of 2018, a vote to uplist was taken. That's one year. I ask you; How much sound, unbiased, scientific information did you get in one year's time?

"The first point of wisdom is to discern that which is false and the the second is to know that which is true."

What is the real reason for the uplisting? I couldn't help but make a correlation between a hidden agenda to halt timber harvest and an agenda to remove cattle from rangelands. This little bird is only a pawn in the game.

I'm concerned that this sets a precedence for making future decisions.

I'm asking that you delay the ratification of the uplisting of the Marbled Murrelet until the appropriate, thorough, scientific data and research can be accomplished and that future decisions be made with the same conscientious considerations.

Thank you for your time,  
Cheryl Martin  
51840 Hwy 237  
North Powder, OR 97867  
541-898-2361



Exhibit G  
Joe Steere

Oregon Department of Fish and Wildlife

ODFW Commission Members

Summary of information 6/7/2018 Marbled Murrelet

Joe Steere; Landowner on Lower Siletz River, Lincoln County. 3870 S Immonen Road.

Lincoln City, OR 97367

Start by saying, I am against the Marbled Murrelet listing.

#### BOILER PLATE, PROPONDERANCE

The impression I get of most of the information presented to you (The Commission) was 'boiler plate' with a named species change and a few dates changed this reads like any other report with a preponderance of the info gripping about the harvest of wood. This focus on one cause, with no proof, is getting redundant and predictable. It also has the effect of diverting attention away from other causes if the Marbled Murrelet becomes endangered. Like another bird that the cause of listing was foisted on the timber industry and all the people supported by it, the real cause was barely mentioned, and active steps taken to avoid real science.

#### LACKING

The reports I have seen that were presented to you gripe about the amounts of timber harvested in our state. What is lacking is a serious look at available nesting habitat of the type described in report. In my area Lincoln County, the Siuslaw National Forest is about 40% (~170,000 acres) of the county lands. The USFS claims there is 33,800 acres, total in the Siuslaw, already with the characteristics described for nesting. This was in 1993 and the amount of timber harvest in the Siuslaw since 1993 is almost zero. With one area (Drift Creek Wilderness) as large as 5,800 acres in Lincoln County. At 2 suitable nesting trees per acre (my number) that is 11,000 sites for 15,000 birds or 7,500 pairs, in one area. Nesting opportunities are available.

#### MODELING

What?? Did he draw a line then write the report?



## CONCLUSION

Here we go again. Our State and State agencies being directed by threatened lawsuits and incomplete (or plain false) science. This discourages landowners from trying to grow older stands of timber, this will cost landowners wanting to harvest because nesting surveys will probably be needed to meet take rules. This drives more small private landowners into selling to larger companies that can afford these additional cost. So big timber losses, but not as much, more smallwoodland owners sellout, and the enviro's have more rules to sue about to make there money.

