Marbled Murrelet Endangered Species Management Plan

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Executive Summary

The Oregon Fish and Wildlife Commission voted in July 2021 to reclassify the marbled murrelet (*Brachyramphus marmoratus*) from threatened to endangered (up-list) under the Oregon Endangered Species Act (OESA). The up-listing decision triggered a statutory requirement for state landowners and land-managing agencies to develop an Endangered Species Management Plan (ESMP) for the listed species. In November 2021, the commission identified Oregon Youth Authority (OYA) as an agency that manages terrestrial marbled murrelet habitat in Oregon and can play a role in the conservation of this species.

Marbled murrelet life history stages require both terrestrial and marine habitat types. OYA has no capacity to influence the marine habitat threats (e.g., forage fish availability, oil spills, gillnet entanglement, ocean acidity) that can affect adult murrelet survival and breeding success. OYA also cannot influence the global drivers of climate change for either habitat type. These limitations are such that OYA managed land cannot recover murrelets in Oregon. However, the agency does contribute to conservation because protection of occupied habitat helps ensure the agency is not directly contributing to any population impacts or declines of known occupied marbled murrelet habitat.

The Oregon Department of Fish and Wildlife (ODFW) identified OYA's Camp Tillamook and Tillamook Youth Correctional Facility (YCF) site as state-owned land that has the potential to support marbled murrelet nesting habitat. The site is extremely small — 35 acres that are mostly commercially landscaped to support the site's identity and purpose, with safety and security being the guiding principles. The site has approximately four acres of sparsely populated trees supporting nesting habitat.

In collaboration with ODFW and the Tillamook Estuaries Partnership, ground-truthing was performed to identify tree species and the potential for nest platforms and nest platform trees. The forested area is not known to be occupied by marbled murrelets. There has been no known sighting of the marbled murrelet to-date on the property. OYA's ESMP for the marbled murrelet covers the estimated four-acre plot that has limited characteristics suitable for nesting habitat.

However, Tillamook YCF land may contribute to conservation by providing a forested buffer to nearby occupied stands on other publicly owned lands and stands that are more suitable habitat for marbled murrelets.

OYA's primary mission is to protect the public and reduce crime by holding youth accountable and providing opportunities for reformation in safe environments. The agency's on-site education, vocational training programs, and partnership with the Tillamook Estuaries Partnership will continue to assist with youth development and reformation. Based on the summary information provided, OYA's role for the marbled murrelet ESMP is to contribute to conservation. OYA will provide educational opportunities to youth about the ESMP and collaborate with ODFW and the U.S. Fish and Wildlife Service as needed.

Background

The marbled murrelet (*Brachyramphus marmoratus*) is a small seabird that breeds along the Pacific Coast from Alaska to central California. Marbled murrelets spend most of their lives at sea foraging small fish and invertebrates in nearshore marine waters. Throughout much of their range, they fly inland for nesting in old-growth, late-successional, and older forests. The Washington, Oregon, and California population segment of marbled murrelet was listed as threatened under the Federal Endangered Species Act in 1992 and was first listed as threatened under the Oregon Endangered Species Act (OESA) in 1995. In July 2021, the Oregon Fish and Wildlife Commission reclassified the marbled murrelet from threatened to endangered (up-listed).

Under the OESA, all state agencies must comply with survival guidelines appropriate for listed species, and some state land-owning and land-managing agencies are required to develop an Endangered Species Management Plan for listed species (OAR 635-100-0140). In November 2021, the Commission identified Oregon Youth Authority, along with nine other state agencies, as an agency that manages terrestrial marbled murrelet habitat in Oregon and can play a role in the conservation of this species. Further background on the biology of the marbled murrelet, its habitat needs, and its biological and legal status are provided in detail in the "Biological Assessment of the Marbled Murrelet in Oregon and evaluation of criteria to reclassify the species from threatened to endangered under the Oregon Endangered Species Act" (ODFW 2021).

Listing Status Under Oregon Endangered Species Act (OESA)

In July 2021, the Oregon Fish and Wildlife Commission reclassified the marbled murrelet from threatened to endangered under the OESA. The most direct effect of listing a species as threatened or endangered under the OESA is that is impacts management decisions and actions on state-owned, state-managed, or state-leased lands. The OESA requires that state agency actions proposed and carried out on lands owned or leased

by a state agency, or where a state agency holds an easement, comply with the commission's adopted survival guidelines (OAR 635-100-0137). In addition, the OESA requires land-owning and land-managing state agencies to develop plans for the management and protection of endangered species (ORS 496.182(8), OAR 635-100-0140). The OESA and administrative rules require that endangered species management plans be developed, completed, and approved by applicable state agencies (within 18 months of up-listing) and then subsequently reviewed and approved by the commission (within 24 months of up-listing) (ORS 496.182(8)(a)(C), (D)).

In November 2021, the commission determined that ten state agencies (including OYA) that own, manage, or lease lands within the range of the marbled murrelet can play a role in the conservation of the marbled murrelet on their respective state lands. Each state land-owning or land-managing agency has developed and will implement their own endangered species management plan for the marbled murrelet on their own lands within the framework of their statutes and regulations and in the context of the primary purpose(s) of their properties.

Under the OESA, an agency's role may include, but is not limited to:

- Conservation (i.e., the use of methods and procedures necessary to bring the marbled murrelet to the point at which the measures provided under ORS496.171 to 496.182 are no longer necessary). These measures and procedures include, but are not limited to, activities associated with scientific resource management such as research, census-taking, law enforcement, habitat acquisition and maintenance, habitat protection, and restoration, propagation, and transplantation;
- Contribution toward conservation;
- Take avoidance, as specified in the survival guidelines for the marbled murrelet (OAR 635-100- 0137);
- Continuing to follow all components of the survival guidelines for the marbled murrelet (OAR 635-100-0137).

Survival Guidelines

Under the OESA, survival guidelines (OAR 635-100-0130) set the minimum management standards on state-owned or state-managed lands for state-listed species. Survival guidelines are quantifiable and measurable guidelines necessary to ensure the survival of individual members of the species. They include avoiding take and protecting

resource sites such as nest sites or other areas critical to the survival of individual members of the species.

When the marbled murrelet was up-listed to endangered, the commission established survival guidelines for the species (OAR 635-100-0137). The guidelines require that state agencies, on their own lands, must consult with ODFW if their actions have the potential to take marbled murrelets, which includes removing trees in occupied sites or causing disturbance to marbled murrelets during the nesting period (April 1-Sept. 15). "Take" is defined in the Survival Guidelines for Marbled Murrelet (OAR 635-100-0137(11m)) to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct" following the federal ESA (16 U.S.C 1532(19)).

Guidelines further require state agencies to minimize risks of predation to nesting murrelets where appropriate by taking actions to prevent the intentional or unintentional feeding of wildlife predators, including actions such as providing wildlife-proof garbage containers. State agencies are also expected to enhance outreach to the public on status and threats to marbled murrelets. For the designated state agencies that can play a role in the conservation of murrelets, survival guidelines serve as interim protection measures until endangered species management plans are approved by each state land-owning agency and approved by the commission (ORS 496.182(8)(a)(C), (D)).

Federal Endangered Species Act

In addition to the OESA, the Federal Endangered Species Act (ESA) also applies to all state lands and actions of state agencies that might take any threatened or endangered species. The purpose of the ESA (16 USC 1531-1544; 50 CFR 17) is to protect and recover federally-listed threatened and endangered species and their habitats.

The ESA provides a legal framework aimed at recovering listed species wherever they occur. The statute achieves this through a range of legal mechanisms that ensure coordination between federal agencies, cooperation and coordination with the states, and coordination with private landowners. These legal tools include various agreements, permits and recovery plans for the listed species and the habitat(s) they depend upon.

Marbled murrelets in Washington, Oregon, and California were listed as threatened under the federal ESA in 1992. One effect of this listing is that "take" is prohibited wherever the species occurs (across all landownerships) under Section 9, unless authorized by the USFWS. Take is defined as "to harass, harm, pursue, hunt, shoot,

wound, kill, trap, capture, or collect or attempt to engage in any such conduct" (16 USC 1532(19)). Through regulations, "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3).

Broader Context for Management of the Marbled Murrelets on State Lands

Marbled murrelet old growth and late-successional forest nesting habitat in the Pacific Northwest has been substantially reduced since European settlement (Perry 1995, USFWS 1997, ODFW 2021). Since 1994, the protection and restoration of marbled murrelet nesting habitat on federal lands has been directed and implemented through conservation and management strategies identified in the Northwest Forest Plan (NWFP; USDA and USDI 1994a, b).

To assess the status and trend of nesting habitat for marbled murrelets in Oregon, Lorenz et al. (2021) defined and modeled forests for the relative probability of occurrence of a murrelet nest. They defined thresholds that separated lower, moderate, and higher probabilities of nesting habitat. Forested areas that were modeled as higher probability nesting habitat denoted the best representation of marbled murrelet nesting habitat. In Oregon, approximately 60% (312,027 of 517,686 acres) of higher probability marbled murrelet nesting habitat exists on federal lands, 16% (81,092 acres) on state-owned lands, and 24% on land of other ownerships (e.g., private, county, and tribal).

Federally-managed lands across the habitats covered by the NWFP include 18 national forests and seven Bureau of Land Management (BLM) districts (ODFW 2021). These federal lands include the Siuslaw and Rogue River-Siskiyou National Forests, and other western Oregon forests owned and managed by the Bureau of Land Management (BLM) (Lorenz et al. 2021, ODFW 2021). The most recent effectiveness monitoring report determined the NWFP was successful at conserving murrelet nesting habitat on federally managed lands 25 years after implementation (Lorenz et al. 2021). Based on results from the NWFP's Effectiveness Monitoring Program, higher probability nesting habitat increased in Oregon across all land ownerships (i.e., federal, state, other) from approximately 471,220 acres in 1993 to 517,686 acres in 2017, a net increase of 46,466 acres (+9.9% net change). The acreage gains in higher probability nesting habitat were noted only on federal and state lands. The amount of higher probability nesting habitat in 2017 compared to 1993 on federal lands increased by 13.0% and was 43.4% higher

on state land ownership. Higher probability nesting habitat losses of 10.2% were noted on the grouping of other lands (private, tribal, county, and municipal; Lorenz et al. 2021, ODFW 2021).

On nonfederal lands, the higher probability nesting habitat for marbled murrelets is highly fragmented. Habitat edges created by forest fragmentation increase predation risk/pressure that contribute to murrelet nest failure (ODFW 2021). This issue is exacerbated in areas where human activities (e.g., campgrounds, trails, parks) occur in murrelet habitat and anthropogenic sources of food are available to corvid species such as Steller's jays (*Cyanocitta stelleri*), common ravens (*Corvus corax*), and American crows (*Corvus brachyrhynchos*) that depredate murrelet nests (Goldenberg et al. 2016; ODFW 2021).

The identified state agencies developing marbled murrelet ESMPs are focused upon state lands within 35 miles of the Pacific Ocean. Potential marbled murrelet nesting habitat located on state-owned lands primarily occurs on lands managed by the Oregon Department of Forestry (ODF), including Tillamook and Clatsop State Forests, and the Elliott State Research forests currently managed by Oregon Department of State Lands (ODSL). Oregon Parks and Recreation Department (OPRD) and Oregon Department of Transportation (ODOT) each manage significant areas of higher probability marbled murrelet nesting habitat.

OYA is one of the other six state agencies identified by the commission as having a role to play in the conservation of marbled murrelets. OYA's managed area is much smaller and has low potential for nesting habitat.

Factors Affecting Marbled Murrelet Conservation in Oregon

The ODFW's 2021 Biological Assessment reviewed available scientific information and other data relevant to the species' status and summarized the factors affecting marbled murrelet conservation and recovery in Oregon. These factors included habitat loss and fragmentation, nest predation, the impact of oceanic conditions to prey availability, and climate change. The Biological Assessment was presented to the commission in 2021 and was used to inform the determination of the species' legal status in Oregon.

In 1995, the Fish and Wildlife Commission listed marbled murrelets as state-threatened species under the OESA based on the following combination of natural and human-induced factors that would affect the species' natural reproductive potential (ODFW

2021):

1. Limited geographic distribution
2. Nesting habitat alteration (habitat loss and degradation)
3. Natural large-scale disturbances (e.g., fires, windstorms)
4. Small population size
5. Declining population
6. Predation
7. Adverse ocean and weather conditions (effects of variability on prey resources)
8. Gillnet fisheries (i.e., entanglement)
9. Other fisheries (i.e., competition for prey resources with fisheries)
10. Oil spills
11. Pollution (mainly, effluent discharges from pulp and paper mills)

Threats to the conservation of Marbled Murrelets occur in both the terrestrial and marine habitat. Further details on the factors influencing the conservation status of marbled murrelets in Oregon are presented in the ODFW 2021 Biological Assessment.

OYA will continue to partner with the ODFW for educational opportunities and guidance on the implementation of the ESMP.

Marbled Murrelet Nesting Habitat

In Oregon, marbled murrelets have been found nesting primarily in coniferous forests consisting of Douglas fir (*Pseudotsuga menziesii*), western hemlock (*Tsuga heterophylla*), western red cedar (*Thuja plicata*), mountain hemlock (*Tsuga mertensiana*), Sitka spruce (*Picea sitchensis*) and in at least one rare instance in a big leaf maple (*Acer macrophyllum*). Forests where nesting has been recorded are typically old-growth, mature forests, and/or in younger (<50 years) forests that include trees with suitable nesting structures. A nest platform is a relatively flat surface 4 inches or greater in diameter and at least 33 feet above ground level in the live tree crown of a coniferous tree (Nelson and Wilson 2002, Hébert and Golightly 2006, Bloxton and Raphael 2009).

Nesting platforms can be created by a wide branch covered extensively with moss, lichen, or other substrate, such as a mistletoe (Arceuthobium spp.) infection which in effect creates wider branches, broken top trees, "witch's brooms", or other deformities (Hamer and Nelson 1995a; Nelson and Wilson 2002; Baker et al. 2006; Nelson 2020). Trees that provide branches with structures appropriate for nesting are considered

platform trees.

The presence of platforms in a stand is a more common indicator of murrelet occurrence than either tree size or stand age. Forest cover adjacent to nests, with or without platform trees, may also confer nest protection from predators, provide a favorable microclimate environment, and limit habitat loss from windthrow and other negative edge effects (Raphael et al. 2002b, Ripple et al. 2003, Hébert and Golightly 2007, Peery and Henry 2010, Falxa and Raphael 2016). The U.S. Fish and Wildlife Service's Marbled Murrelet Recovery Plan (USFWS 1997) recommends maintaining and enhancing forested buffers to minimize negative effects of forest edges. Such mitigation may help minimize disturbances and protect habitat features found in interior forest nesting habitat, which are important for successful nesting (Lorenz et al. 2021). A forest buffer zone around nest platform trees is also important for successful breeding outcomes. Coniferous forest stands with suitable nesting platforms in one or more trees should be considered potential murrelet habitat.

Marbled murrelet nesting habitat is typically coniferous forest stands with suitable nesting platforms in one or more trees, where the surrounding forest canopy provides some cover and functional protection. Lorenz et al. (2021) modeled the availability and spatial distribution of probable nesting habitat of marbled murrelets within the NWFP in 1993 and in 2017, classifying stands as being lower, moderate, or higher relative probability of occurrence of a murrelet nest. Within this analysis, the best representation of marbled murrelet nesting habitat was defined as forest areas that were classified by this model as higher probability (Lorenz et al. 2021). This model further categorized higher probability habitat as core, edge, or scatter. Core habitat is defined as intact or contiguous high probability nesting habitat further than 60 meters from the edge of nonhabitat in patches greater than 5.56 acres, representing the best habitat available for marbled murrelet nesting (Lorenz et al. 2021).

Edge habitat adjoined core habitat on one side and non-habitat on the other side, representing lower quality for nesting murrelets, and scatter was defined as fragments of higher probability habitat. Lorenz et al. (2021) reported a total of 517,686 acres of higher probability nesting habitat in Oregon in 2017, including 321,027 acres on federal lands and 81,092 acres on state-owned lands. Of these 517,686 acres of higher probability nesting habitat, only 15,065 acres were identified as nesting habitat of the highest quality where forest structure, tree limbs, and moss for platforms were more abundant and nest failure would be lowest (Lorenz et al. 2021). Of these 15,065 acres of highest-quality nesting habitat in Oregon, 13,172 acres were located on federal lands

and 1,333 acres were located on state-owned lands.

OYA's property with sparsely populated trees has a low probability of supporting nesting habitat but has the potential to provide a buffer to support nesting habitat on adjacent larger forested areas.

Endangered Species Management Plan Required Elements

OYA Endangered Species Management Plan Development

This plan presents OYA's response to the statutory requirement to develop an ESMP (ORS 496.182(8), OAR 635-100-0140(6)) and the commission's determination of the role the OYA will play on lands. The planning process relied upon technical information on the species' biology referenced by ODFW 2021 Biological Assessment.

OYA-owned property within 35 miles of the Pacific Ocean were selected for consideration in this plan, which is defined in OAR 635-100-0137 (7l)) as the extent of suitable habitat for marbled murrelets on state lands within their inland range. The land included is in Tillamook County. The OYA Endangered Species Management Plan was developed in consultation with ODFW staff; the Tillamook Youth Correctional Facility superintendent; the Camp Tillamook camp director; the OYA Communications Office; and the OYA Executive Team.

OYA Land Covered by the Endangered Species Management Plan

OYA was one of ten state agencies that the commission determined can play a role in the conservation of the marbled murrelet on their respective state lands. The OYA Endangered Species Management Plan for the marbled murrelet covers one property that is within 35 miles from the Pacific Ocean.

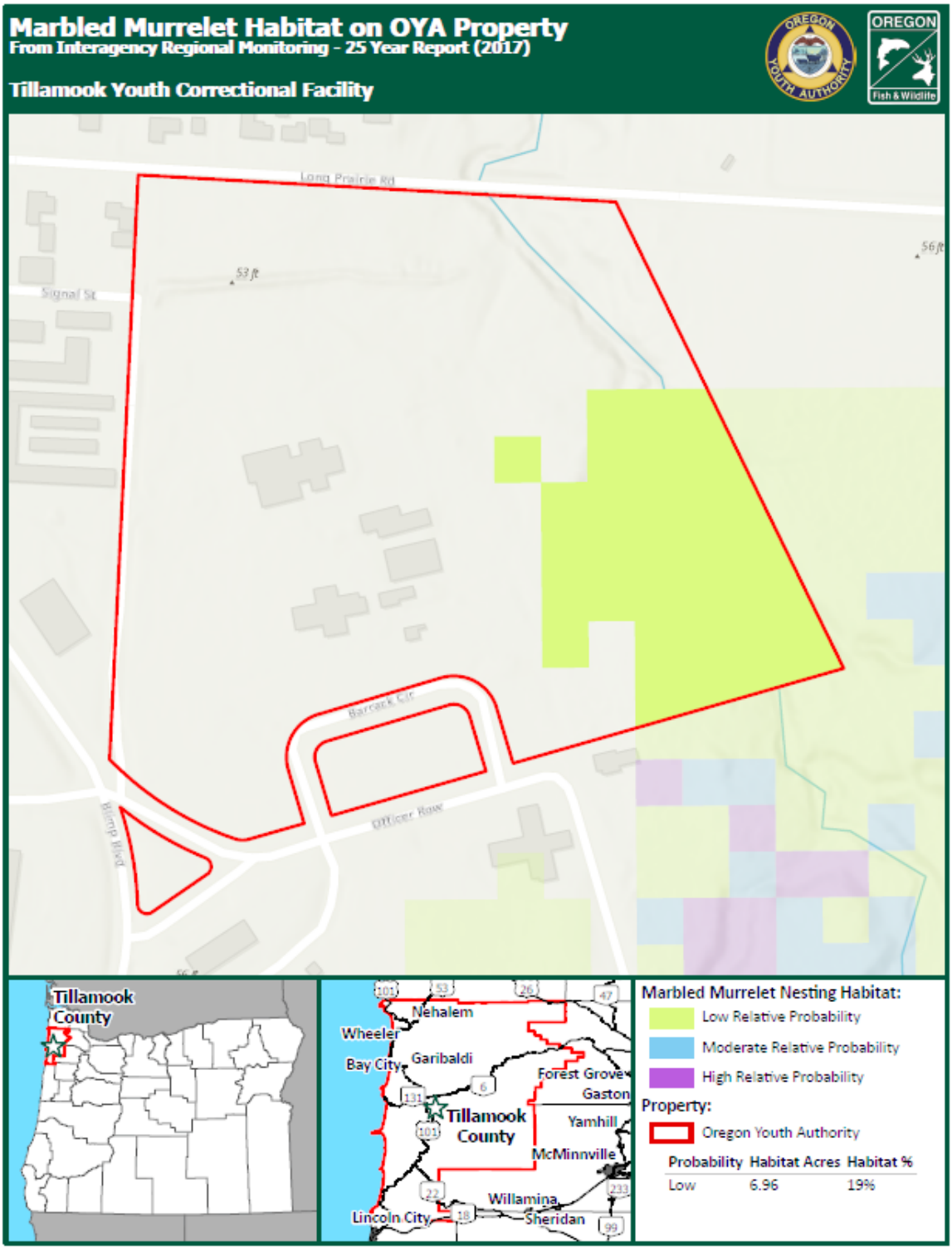
Data layers from the U.S. Forest Service Northwest Forest Plan Monitoring Assessment, 2017 (Lorenz et al. 2021) were used to map forested habitat potentially suitable for nesting marbled murrelets on OYA-owned property. Because the size of the forested area is only four acres, and the trees are sparsely populated, the identified OYA property has a low relative probability as potential marbled murrelet nesting habitat. These small or narrow patches of suitable habitat do not provide high-quality nesting habitat for murrelets due to the relatively high ratio of habitat edge, resulting in a higher

vulnerability to predation than in larger habitat patches.

However, the Tillamook YCF lands may contribute to conservation by providing a forested buffer to nearby occupied stands on other owned lands and stands that are more suitable habitat for marbled murrelets.

Map of Tillamook Youth Correctional Facility and Camp Tillamook Youth Transitional Facility

Tillamook Youth Correctional Facility – 6700 Officer Row, Tillamook, Oregon 97141
Camp Tillamook Youth Transition Facility – 6820 Barrack Circle, Tillamook, Oregon 97141


Marbled Murrelet Habitat on OYA Property
From Interagency Regional Monitoring - 25 Year Report (2017)
Tillamook Youth Correctional Facility
OREGON YOUTH AUTHORITY
OREGON Fish & Wildlife
Long Prairie Rd
Signal St
Barrack Cir
Officer Row
Tillamook County
Nehalem
Wheeler
Bay City
Garibaldi
Forest Grove
Gaston
Yamhill
McMinnville
Willamina
Sheridan
Lincoln City
Marbled Murrelet Nesting Habitat:
Low Relative Probability
Moderate Relative Probability
High Relative Probability
Property:
Oregon Youth Authority
Probability Habitat Acres Habitat %
Low 6.96 19%

Role of OYA Land in Conservation of Marbled Murrelet

As defined in ORS 496.171, "conservation" means the use of methods and procedures necessary to bring a species to the point at which the measures provided under ORS 496.171 to 496.182 are no longer necessary. Acknowledging this definition, OYA determined the role lands managed by the agency play in conservation of murrelets as a "contribution to conservation." This decision is supported by the agency's protection of occupied habitat to ensure there are no direct impacts to known occupied marbled murrelet habitat.

Marbled murrelets have not been recorded on any OYA-owned properties nor have any forest stands been recorded as occupied. On OYA lands, the tree stands are identified low probability nest habitat and are generally in small patches and isolated from more extensive forest landscapes. Due to the limited extent of suitable habitat for marbled murrelets under OYA management, OYA property alone cannot achieve this legal threshold, but OYA will manage lands to make a "contribution to conservation" under the OESA.

OYA Management Actions to Aid in the Conservation of Marbled Murrelet

OYA shall implement the Survival Guidelines for the Marbled Murrelet (OAR 635-100-0137) for all management actions that occur on OYA-owned lands. OYA has developed through this ESMP specific requirements which are intended to avoid "take" (e.g., harass, harm, wound, kill) and protect suitable habitat around any future identified occupied sites. Where OYA determines it to be feasible, OYA shall manage forest habitats located on all OYA-owned and managed lands to "contribute to the conservation" of the marbled murrelet.

Actions taken to improve forest habitat conditions may include:

1. management to enhance forest habitat and landscape conditions;
2. minimization of disturbances to habitat;
3. minimization of the risk of predation to potential or future nesting marbled murrelets by limiting corvid and other predator attractants and managing human impacts from garbage and litter;
4. conducting targeted outreach and education; and
5. prior to implementing a project that removes trees and has the potential to take marbled murrelets, conducting approved surveys of the project area for a minimum of two consecutive years to determine if it is occupied by murrelets.

Exception includes tree removal as provided for trees that are damaged, downed, or dangerous to the youth, staff, the public, and/or that present risk of damage to buildings or infrastructure.

For all other projects and activities not described in the survival guidelines with potential to take marbled murrelets, OYA shall notify and consult with the ODFW to determine conservation measures appropriate to the situation. Any proposed action that is needed to maintain normal operations will need to balance the primary purpose of the facility and day-to-day operations with murrelet habitat and disturbance protection requirements specified in OAR 635-100-0137.

OYA shall ensure that management actions are undertaken that minimize the risk of attracting avian scavengers through intentionally or unintentionally feeding wildlife on all OYA properties and where nest platform trees are confirmed or where marbled murrelet occupancy has been determined. Consideration will be given similarly wherever OYA properties are adjacent to or are close to neighboring properties with potential marbled murrelet nesting habitat or where murrelet occupancy or presence has been confirmed. OYA shall ensure that during normal operations, no deliberate food attractants will be left uncontained. Food-related trash will be secured in wildlife-resistant trash/garbage containers at operation sites and at established areas wherever practical. Most of OYA garbage containers are within the secured perimeter (12- to 15-foot-tall fences) and wildlife are not able to access containers. Garbage containers outside of the main perimeter fences are typically not for food products and will have covers to prevent birds and other wildlife from gaining access.

In the future, if it becomes necessary for OYA to purchase additional lands due to operational needs, then OYA will consider the needs of the marbled murrelets in the decision-making process. If such lands are acquired by OYA and hold suitable habitat for marbled murrelets, then they will be managed in accordance with this ESMP.

OYA will provide youth, staff, visitors, and partners information on the existence of the marbled murrelets ESMP and the measures in place to further OYA's contribution toward conservation. Education measures include maintaining a hard copy of the OYA ESMP at the Tillamook site, posting informational fliers, and posting the ESMP on the OYA website.

Monitoring Activities on OYA Land

OYA shall conduct monitoring in support of any proposed management action(s) that may occur within or otherwise impact mapped marbled murrelet nesting habitat. Due to the lack of documented use of OYA-owned and managed lands by marbled murrelets, monitoring conducted in association with the ESMP will be focused on assessment of habitat quality and availability.

OYA has performed ground-truthing on the property and determined there are some trees with the presence of suitable nest platforms. OYA will conduct annual surveys to verify whether murrelets are using the forest. If murrelets are detected on OYA-owned land, then more intensive survey may be needed.

If marbled murrelets are verified and confirmed to be nesting on OYA-owned lands, use of the areas that could affect marbled murrelet nesting success may be curtailed in compliance with the Survival Guidelines for the Marbled Murrelet (OAR 635-100-0137). Access may need to be curtailed or eliminated entirely during the nesting season to comply with survival guidelines and federal ESA requirements.

Management Plan Revision Process

OYA's ESMP for the marbled murrelet will be reviewed every five years, revised if needed, and will incorporate new information at least every 10 years as information becomes available. Factors that may trigger a reassessment of the plan may include new biological information, the occurrence of widespread stochastic events, changes in the species' listing status at the state or federal level, changes in land use practices, or availability of new information that may inform habitat management for the species.

A more expedient plan revision might be necessary in the event of widescale stochastic disturbance impacting the species' potential nesting habitat. Such events might include catastrophic wildfire, major wind events, earthquake, or volcanic activity. The ESMP for the marbled murrelet may also be revised if habitat present on OYA-owned land that is not currently identified as potential nesting habitat develops characteristics of nesting habitat as forests and tree stands grow and mature. OYA will work with state and federal partners to review changes in the conservation status of the marbled murrelet in Oregon and elsewhere in the species' range. A change in the federal legal status of the marbled murrelet to endangered might also necessitate modifications to state plans if a greater conservation effort is required outside federal lands.

Fluctuations in population trends of the marbled murrelet over time, especially considering the uncertainties of climate change and ocean conditions, may change conservation priorities for the species in the next two decades. OYA's ESMP for the marbled murrelet may need more regular updates in the future if uncertainly persists or changes accelerate. Whenever OYA acquires new properties or adds land to existing properties with potential marbled murrelet nesting habitat, this ESMP will be updated with the next revision cycle.

Relation to Other State Agency ESMP, Federal Recovery Plans, and State and Other Recovery Efforts

OYA staff have been working closely with ODFW in the development of our ESMP. OYA's plan will be standalone, but implementation will be collaborative with other state agency plans. Any actions taken currently or in the future impacting marbled murrelets will be consistent with ODFW Survival Guidelines for the Marbled Murrelet (OAR 635-100-0137) and with federal ESA requirements. OYA will ensure that actions on OYA lands that potentially affect marbled murrelets will support conservation actions being undertaken on neighboring state and federal lands and be directed towards and consistent with the recovery of the marbled murrelet in Oregon. In situations where management actions could impact or disturb potential marbled murrelet nesting habitat, consultations will occur internally and collaboratively with the ODFW and with neighboring agency managers.

The other state agencies developing ESMPs include ODFW, ODF, OPRD, ODSL, ODOT, Oregon Military Department, Oregon Department of Corrections, Oregon Department of Aviation, and Oregon Watershed Enhancement Board. Forest stands on OYA-owned lands that have low suitability for marbled murrelet nesting may contribute to the conservation of marbled murrelets on neighboring lands. Trees on OYA lands are adjacent to suitable stands on neighboring property and are separated by 200 meters or less from neighboring stands. They may contribute habitat value as a buffer and will be managed to serve that purpose. Plan implementation across agencies can benefit from shared resources, such as outreach material and media communication, monitoring and survey resources for both habitat and marbled murrelet population data, and strategies to minimize predation at sensitive nesting areas.

This plan presents OYA's response to the statutory requirement to develop an ESMP (ORS 496.182(8), OAR 635-100-0140(6)). The plan was developed in consultation with ODFW.

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