

FPA Rule Analysis for Marbled Murrelets



PROJECT UPDATE
APRIL 24, 2019

JOSH BARNARD & JENNIFER WEIKEL
PRIVATE FOREST DIVISION, ODF

Focus of Today's Presentation



- Project History
- Rule analysis requirements (Div 680 rules)
- Technical Report edits
- BOF Decision

Project History



Action	Date
Petition submitted to Board	June 2016
Board direction to work on rule analysis	November 2016
Board presentation—review of petition	March 2017
Board presentation—checklist and timeline	April 2017
Draft Marbled Murrelet Technical Report	April 2018
Expert review of Draft Technical Report	November 2018
Final Technical Report	April 2019

Division 680 Rules



Oregon Department of Forestry Forest Practices Administrative Rules



"STEWARDSHIP IN FORESTRY"

Chapter 629, Division 680 The Process to Inventory and Protect Special Resources on Forest Lands

Division 680 contains forest practice rules that address special resources on forest lands. These rules address how the Board of Forestry identifies these resources, how the Board determines whether forest practices conflict with the resources, and how the resources are to be protected. These rules were last modified in 1996 and were formerly contained in OAR Chapter 629, Division 56.

Special resources include resource sites used by threatened and endangered species (629-680-0100), sensitive bird nesting, roosting and watering sites (629-680-0200), significant wetlands on forest lands (629-680-0300), and biological sites that are ecologically and scientifically significant (629-680-0400).

Specified resource site protection rules are located in Oregon Administrative Rules, Chapter 629, Division 665.

Division 680 Rules



- Technical Report—to include:
 - ✦ Identify the resource site (RS)
 - ✦ Identify forest practices that conflict with RS
 - ✦ Evaluate biological consequences of conflicts
 - ✦ Propose protection requirements

- Expert review of Technical Report

Division 680 Rules



- Using available information, the Board shall
 - (A) Identify the resource sites for the species;
 - (B) Identify forest practices that conflict with the resource sites and evaluate the consequences of those conflicts;
 - (C) Determine the protection requirements for the resource sites; and
 - (D) Determine any exceptions criteria.

Draft Technical Report



- Marbled murrelet ecology and habitat characteristics

- Required Content (Division 680 rules)
 - ✦ Identify the resource site (RS)
 - ✦ Identify forest practices that conflict with RS
 - ✦ Evaluate biological consequences of conflicts
 - ✦ Propose protection requirements

Expert Review Process



- **Desired Outcome:**
 - To have a well-rounded, unbiased summary of science to inform decision-making to be conducted by the Board

- **Goal—review of science used in Technical Report**
 - Identify any missing, pertinent literature
 - Review interpretation of science for accuracy
 - Scientific merit of policy options

Expert Review Outcomes



- Recommended Citations to add
- No major missing topics
- Minor additions to existing subject areas
- Range of comments on scientific merit of options
 - Resource Site
 - Protection

Expert Review—Technical Report Edits



- Major Revisions/Additions
 - Added over 20 new citations in report
 - ✦ Most new citations related to existing content
 - ✦ Some new/ missed studies incorporated
 - ✦ Cited original studies instead of summary reviews
 - Added new details from OSU marbled murrelet research presentation to the BOF

Expert Review—Technical Report Edits



- Major Revisions/Additions
 - Updated population trend information
 - Added a summary of 2004 population viability analysis
 - Added a summary of current FPA implementation
- Many minor edits/ revisions

Questions



Recommendation



- Accept the final Marbled Murrelet Technical Report



Next Steps



- Develop plan for next phase
 - Next Set of Decisions
 - Establish a process for decision making
 - Stakeholder involvement