

Jim Fairchild  
31540 Homestead Road  
Philomath, Oregon 97370

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Oregon Board of Forestry  
2600 State Street  
Salem, Oregon

RE: BOF Rulemaking

I appreciate the opportunity to comment on the Resource Site Rulemaking for Marbled Murrelet, as the Board of Forestry and Department of Forestry (ODF) seek to develop rational and evidence-based protection measures for this species.

I applaud the work of Jennifer Weikel and the Private Forests Program in assembling the Technical Report before you. I wish to here emphasize several key aspects of known murrelet behavior and terrestrial habitat use covered in the report that should inform your determination of how to proceed, which I believe should take a prescriptive approach.

#### Surveys

1. Based on years of detection surveys done to Pacific Seabird Group (PSG) protocols, poor ocean foraging conditions reduce the frequency of recognized breeding activities, including overland flights to nests, nest areas, and possible prospecting behaviors.
2. Current PSG protocol standards dating back to 2003 require two consecutive nesting season survey periods to indicate a probable absence of use by murrelets. Since that time more is known about the species and its terrestrial habitat use.
3. Poor ocean foraging conditions can occur in consecutive years, and have become a common occurrence in the last decade. There is no evidence to suggest a return to the more consistent weather and climate patterns of the last half-century.
4. Although evidence is limited, individual murrelets tracked through consecutive years have demonstrated nest area fidelity.

Taken together, the probability of establishing absence before initiating a management activity that may result in take where murrelets periodically nest using current detection survey protocols has become significantly less reliable. Predictions from climate change models will further reduce that reliability into the future. Although the PSG science team has not been able to move an additional survey season through to an updated protocol recommendation, such an extension would most readily reduce more false absence findings, and should therefore be adopted.

### Nesting Habitat Suitability

1. Characterization of suitable nest platform, substrate, cover, ingress and egress features are generally well understood, although the ongoing OSU research project may reinforce and/or amend those descriptors.
2. Current knowledge of stand suitability has also become an adequate predictor of use. The above project may also better inform us of suitable stand conditions, such as distance to hard edge or canopy gaps and their sizes, as well as basal area, trees per acre, and crown closure as evidenced by use. The project may identify use outside these predictors a decade from now when the study concludes, but possibly no sooner.
3. Nest predation, particularly by corvids (Steller's jay, common raven), is known now to significantly reduce murrelet nesting success, and stand conditions that contribute to corvid foraging presence are generally understood.

Given the above, we understand enough to fairly characterize reasonably good suitable nesting habitat within the recognized nesting range of murrelets. Policies should not be based on wishful thinking, when murrelet populations and their nesting habitats continue to be on a historically downward trajectory.

### Establishing the Marbled Murrelet Resource Site

Like northern spotted owl, a "core area" concept better characterizes the known requirements of murrelet nest trees, which require structural components beyond the nest tree itself. These core areas could be defined first by polygons of suitable habitat, then refined through layering on other prescriptive measures (distance from hard edges, human habitation). These could be further refined or delimited by ground truthing for presence of suitable nest sites/limb platforms, corvid use/presence, without costly detection surveys or tree climbing. Further delimitation of core areas could then confirm or refute occupancy using updated detection surveys and/or other more reliable techniques.

As a forest landowner within the range of murrelet nesting with stands 65-140 years old which are developing suitable habitat for murrelet nesting, I understand the potential loss of timber value if murrelets occupy my trees. For me that monetary loss is met by a habitat and biodiversity gains for which I manage my forest. For others, Oregon should consider compensation programs that credit landowners for the carbon sequestration these older trees and stands contribute, or a direct compensation for some portion of the sale value of the tree/trees in occupied core areas. Compensation in exchange for known occupancy has a far higher value to protection of murrelets than broader incentive programs that would have at best speculative value for a limited timeframe.

## Conclusion

Conservation of marbled murrelets through protection measures in terrestrial nesting habitat should be the minimum standard. Measures that seek only to forestall loss of habitat in the short term, such as programmatic incentives, do not establish long-term conservation, but should be considered as a complement to prescriptive measures. Furthermore, if the Board and ODF adopt measures that do not pursue both short- and long-term habitat gains on all state and private lands they regulate, the inevitable consequence to both murrelet persistence and the cost of future uplisting are both bleak and predictable.

Respectfully,

Jim Fairchild

I am graduate of OSU focused on forest ecology, former employee of ODF, and faculty research assistant for the Departments of Forest Science and Fisheries and Wildlife Science. I am also a forest landowner and have served for many years as Conservation Chair for Audubon Society of Corvallis. I am intimately familiar with the forests and streams of the Oregon Coast Range, and several of the species of concern therein, having been involved in research surveys for northern spotted owl, marbled murrelet, and red tree vole.