

Marbled Murrelet

Endangered Species Management Plan



Oregon Department of Corrections

December 2022



Cover illustration/photograph

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Introduction

In 1992, the Marbled Murrelet (*Brachyramphus marmoratus*) was listed as a threatened species in the State of Oregon through the federal Environmental Species Act. The Marbled Murrelet was subsequently listed as a state-threatened species under the Oregon Endangered Species Act (OESA) in 1995. In 2019, a review of the status of the Marbled Murrelet concurred that the species was threatened, and the State of Oregon reclassified the species from threatened to endangered under the OESA. On July 9, 2021, the Oregon Fish and Wildlife Commission (Commission) voted to amend OAR 635-100-0125 to uplist the Marbled Murrelet as an endangered species. At the same time, the Commission adopted mandatory survival guidelines for the Marbled Murrelet (OAR 635-100-0137). The implementation of these changes requires state agencies owning land in regions known for Marbled Murrelet habitat to develop endangered species management plans.

The Marbled Murrelet is a small marine animal that lives and forages primarily at sea, but nests in large trees inland. The intent of the endangered species management plan is to outline the steps the Oregon Department of Corrections (ODOC) will take to ensure the conservation and protection of the Marbled Murrelet in the forest habitat of ODOC property located in Coos County.

History and Current use of Property

In 1990, ODOC acquired approximately 49.33 acres of land in North Bend, Coos County from the General Services Administration (GSA) for correctional services use. There are over thirty buildings on the property and the land is surrounded by six-foot fences with razor wire. Prior to ODOC ownership, the property was owned by the Oregon Air National Guard and utilized as an air station. The acquisition of this property included a deed restriction stating that the property needed to be used for correctional services purposes into perpetuity or the ownership can revert to the GSA upon their approval.

In December 2020, Oregon Governor Brown declared that this property cease being used for correctional services purposes. All adults in custody were transferred to other institutions within the state and the prison closed in December 2021. Upon declaration of closure by Oregon Governor Brown, ODOC initiated the process to revert the property back to the GSA. The property has been shuttered and mothballed. ODOC has one temporary employee that checks the perimeter of the property daily, ensures the water is running and the fire, sprinkler and smoke detector systems are operational. In June 2022, the Oregon Department of State Lands (ODSL) submitted an application to the GSA for a change in the deed restriction and for the transfer of the property from ODOC to ODSL. ODOC is in the process of transferring this property to ODSL no later than August 2023.

Habitat on Department of Corrections Property

The Oregon Department of Fish and Wildlife (ODFW) has identified over 59% of ODOC Shutter creek property in Coos County as a low relative probability for the nesting habitat of the Marbled Murrelet. This portion of the property is mostly open, grassy areas, parking lots and various buildings. ODFW has identified the remaining 41% of the property as between moderate and high relative probability for the nesting habitat of the Marbled Murrelet. This portion of the property is a mixture of low-level foliage and a variety of trees including, but not limited to oak, maple, cascara, and Douglas fir. The Douglas fir

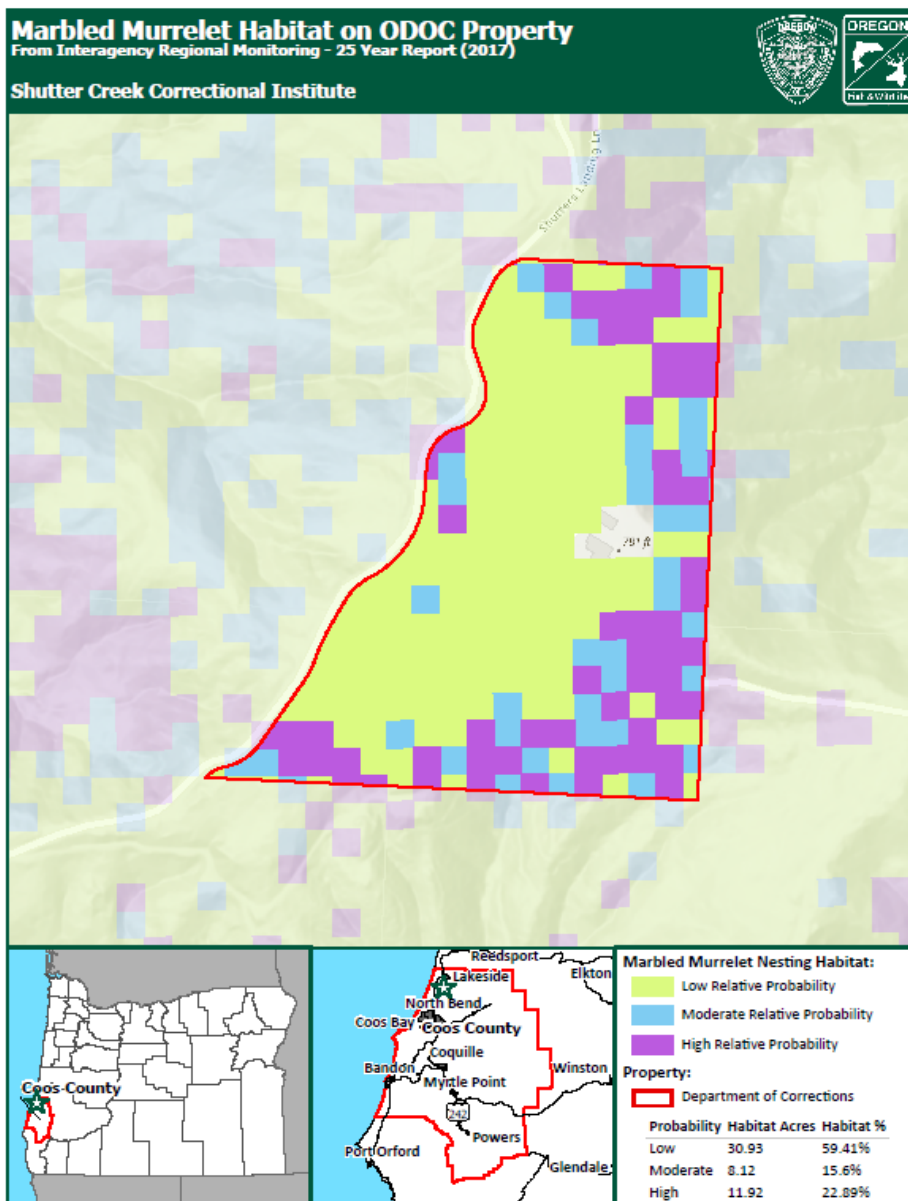
trees are most likely to serve as habitat for the Marbled Murrelet as they grow taller and have the branch width to support nesting. It is important to note that this property is located near the Elliott State Forest, which is an area with known nesting habitat for Marbled Murrelets.

Table 1. Marbled Murrelet Habitat on ODOC Property

Oregon Fish and Wildlife Habitat Classification	Habitat Acres	*Habitat Percentage of Total Land
Low Relative Probability	30.93	59.41%
Moderate Relative Probability	8.12	15.6%
High Relative Probability	11.92	22.89%

*Please note, figures taken from Oregon Department of Fish and Wildlife Regional Monitoring Report and total percentage does not equal 100%.

Figure 1. Marbled Murrelet Habitat on ODOC Property Diagram



Role

Based on OAR 635-100-0140(3), and the non-use of ODOC's property, ODOC's role will be both ensure compliance with Survival Guidelines OAR 635-100-0137; take avoidance, and contribution to conservation through protection of existing potential Marbled Murrelet nesting habitat.

Implementation Actions

Take Avoidance:

- ODOC will not remove, harm, or cut any Douglas fir tree within the property limits.
- ODOC will avoid disturbing the natural habitat of the Marbled Murrelet until the property is transferred to the ODSL or GSA.

Conservation:

- ODOC will maintain and contribute to the conservation of the existing nesting habitat to ensure the short-term protection and the longer-term population recovery of the Marbled Murrelet.

Monitoring

ODOC will be transferring the property to either ODSL in August 2023, or back to the GSA (if transfer to ODSL is not successful). Based on the timeline for submission of this plan, the 24 months the Commission has to accept and review the plan, ODOC will no longer be responsible for this property. ODOC will monitor the property to ensure the plan for conservation and avoidance is adhered to in the interim months until transfer.

Relation to Other State Plans

Due to the proximity of ODOC's property to other state agency lands (specifically ODSL), ODOC's plan for avoidance and conservation will most likely align with and support any submitted plan to the conserve and protection of the Marbled Murrelet and its potential nesting habitat.

Citations

ODFW. (2021). Biological Assessment of the Marbled Murrelet (*Brachyramphus marmoratus*) in Oregon and evaluation of criteria to reclassify the species from threatened to endangered under the Oregon Endangered Species Act (Executive Summary). Oregon Department of Fish and Wildlife.

https://www.dfw.state.or.us/wildlife/hot_topics/docs/2021%20ODFW%20Marbled%20Murrelet%20Biological%20Assessment%20and%20Reclassification%20Criteria%20Review_ODFW_6-21-21.pdf