



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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Reply To: 01EOFW00-2019-TA-0260
File Name: Marten conference memo.docx
TS Number: 19-215
TAILS: 01EOFW00-2019-TA-0260
Doc Type: Final

February 26, 2019

Glenn Casamassa, Regional Forester
Pacific Northwest Region
Forest Service
1220 SW 3rd Avenue
Portland, OR 97204

Chris McAlear, State Director (Acting)
Oregon State Office, Bureau of Land Management
1220 SW 3rd Avenue
Portland, OR 97204

Dear Mr. Casamassa and Mr. McAlear,

The Fish and Wildlife Service (Service) has proposed listing the Coastal Distinct Population Segment (DPS) of the Pacific marten (*Martes caurina*) (referred to as coastal marten herein) as threatened on October 9, 2018 (Federal Register Vol. 83, No. 195). The final rule on the coastal marten action is scheduled for publication in the Federal Register in October of 2019. Critical habitat is not proposed for coastal marten at this time.

Because of this pending decision and to avoid interrupting the implementation of planned and ongoing federal land management actions, the Service is recommending Endangered Species Act (ESA) section 7 conferencing on marten where management activities may result in jeopardy. Implementing this recommendation is dependent on staffing resources and determination of consultation priorities by the affected administrative units. To facilitate implementation of this recommendation, the Service has prepared guidance for conducting conference procedures on Federal lands in Oregon under section 7 of the ESA, along with general information pertaining to key habitat features, maps of known species concentrations, and suggested geographic areas where conferencing is likely appropriate for coastal marten.

In recognition of staffing and workload constraints within the Service's Offices in Portland and Roseburg, as well as your offices, we ask that your requests for conferencing be prioritized in coordination with our respective office to ensure timely responses by the Service.

If you have any questions regarding the attached guidance, please contact Bridgette Tuerler at the Service's Oregon State Office in Portland at (503) 231-6179 or Jan Johnson at the Service's Roseburg Field Office at 503 319-2592

Sincerely,

A handwritten signature in blue ink that reads "Paul Henson". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Henson".

Paul Henson
State Supervisor

Enclosure (1)

cc:

Arcata Fish and Wildlife Office (Project Leader)
Oregon Fish and Wildlife Office (Project Leader)
Roseburg Field Office (Supervisor)
Sacramento Fish and Wildlife Office (Project Leader)
Yreka Fish and Wildlife Office (Project Leader)
Pacific West Regional Office, National Park Service

Enclosure 1. Fish and Wildlife Service Guidance for Conducting Conference Procedures under Section 7 of the Endangered Species Act on Federal Actions affecting Proposed Threatened Coastal Marten.

The implementing regulations for section 7 (ESA) require a conference under circumstances where a Federal action agency or the Service determines that the agency's proposed or ongoing discretionary action is likely to jeopardize a proposed species or is likely to destroy or adversely modify proposed critical habitat. In those situations, the Service advises the Federal action agency, using conference procedures, on ways to modify the action to avoid those outcomes.

Although a conference is only required under the circumstances described above, the Service generally recommends that Federal action agencies also consider a conference for proposed or ongoing discretionary actions that "may affect" a proposed species to streamline the consultation process should a proposed rule becomes final. Conference-reports ("not likely to adversely affect") and conference opinions ("likely to adversely affect") issued by the Service can be adopted as formal concurrences and biological opinions, respectively, in an expedited manner once a proposed rule becomes final, provided no new information is developed and no significant changes are made to the Federal action that would alter the content of the report or opinion. The incidental take statement provided with a conference opinion does not go into effect until the Service adopts the conference opinion as a biological opinion after the species is listed. This approach would avoid delay or interruption of project implementation that could occur when consultation on the effects of the action on newly listed species or newly designated critical habitat is conducted in accordance with the requirements of section 7(d) and section 9 of the Endangered Species Act.

The coastal marten was proposed as threatened by the Service on October 9, 2018 (Vol 83, No. 195). A final decision for this action is scheduled to be submitted to the Federal Register on or about October 9, 2019 and would officially become effective 30 days thereafter, on November 9, 2019. The Service is not proposing designation of critical habitat for coastal marten at this time, but it may be proposed when the Service issues a determination on the coastal marten listing status in October of 2019. Further guidance for conferencing on proposed critical habitat will be provided by the Service at that time.

Actions that will not affect coastal martens: The Service does not recommend conferencing on ongoing or proposed Federal actions that will not affect proposed threatened coastal martens. Best available data indicate that the current extant distribution of coastal marten occurs in several discrete population clusters in Oregon. Based on this best available information of current occupancy/distribution of coastal marten, conferencing is not recommended throughout the historic range (Figure 1) in Oregon, or outside of the mapped population clusters (Figures 2-3). However, as described below, where there are recent detections of marten outside of the population clusters (Figures 2-3), the Service recommends that Level 1 teams discuss the quality of the detection information and conduct conferencing, as appropriate.

Consultation would not be required for "no effect" actions after the effective date of a final rule for the proposed threatened status.

Ongoing or proposed Federal actions that "may affect" but will be completed prior to November 9, 2019: The Service does not recommend conferencing on ongoing or proposed

Federal actions that will be completed prior to the effective date (on or about October 9, 2019) of a final rule for proposed threatened status for the coastal marten.

Ongoing or proposed Federal actions that “may affect” but are not expected to be completed by October 2019: In order to avoid the disruption to ongoing or planned actions, the Service recommends conferencing to facilitate a conference report (“may affect, not likely to adversely affect”) or conference opinion (“may affect, likely to adversely affect”). These conferences can be adopted as concurrence letters or biological opinions (respectively) if a final rule on proposed threatened status for the coastal marten becomes effective.

The Service recommends conferencing on projects affecting marten habitat occurring within the known population clusters (Figures 2-3), or within a typical coastal marten home range radius (see Moriarty et al. 2017, p. 685) of documented coastal marten locations outside of the mapped population centers within the historic range of the Distinct Population Segment (DPS).

As discussed in the Species Status Assessment (USFWS 2018, p. 62) and Federal Register Notice (p. 50580), some active forest management may be beneficial to the species and essential to the long-term viability and conservation of coastal marten. Because of this, the Service has proposed 4(d) provisions to encourage specific forest management actions. These provisions can facilitate cooperation by landowners and other affected parties in implementing conservation measures that will maintain or improve the quality of marten habitat and to sustain and expand the species population. The Service recommends that applicable projects be designed consistent with the proposed 4(d) rule to the extent practical.

In recognition of staffing and workload constraints within the Service's Field Offices, we recommend that you prioritize your requests for conference in coordination with our Field Offices to insure timely responses by the Service.

General Ecology

Martens tend to select older forest stands (e.g., late-successional, old growth, large-conifer, mature, late-seral, and structurally complex) (see summary in U.S. Fish and Wildlife Service 2018, pp. 30 – 41). These forests have a mixture of old and large trees, multiple canopy layers, snags and other decay elements, dense understory development, and biologically complex structure and composition. Although martens generally prefer older forests over young regenerating stands, marten habitat use varies across the continent, making generalities difficult to infer at the stand-scale (Thompson et al. 2012, entire). The variation in the preference for older forests appears to be linked to key aspects of Pacific and American marten ecology, including the abundance of primary prey species, predator distribution, and the development of structural complexity near the ground in different forest types (Thompson et al. 2012, pp. 212–221). Consequently, assumptions about stand-scale habitat relationships should be ecosystem specific and not based on general understandings from throughout their ranges.

Coastal martens have a generalist diet that changes seasonally with prey availability. Overall, coastal marten diet is dominated by mammals, but birds, insects and fruits are seasonally important (Martin 1994, pp. 298-301, Eriksson et al., *in review*, Slauson and Zielinski *in press*). They require the consumption of 15–25 percent of their body mass daily to meet their metabolic requirements (Gilbert et al. 2009, entire).

Best available information suggests female martens typically give birth in March and April (Strickland et al. 1982, p. 601) (U.S. Fish and Wildlife Service, p. 25). Therefore, limited

operating periods and denning habitat protection (see U.S. Fish and Wildlife Service 2018, p. 32 for descriptions of denning habitat) should be considered during project implementation. The local Service office can provide technical assistance in these determinations.

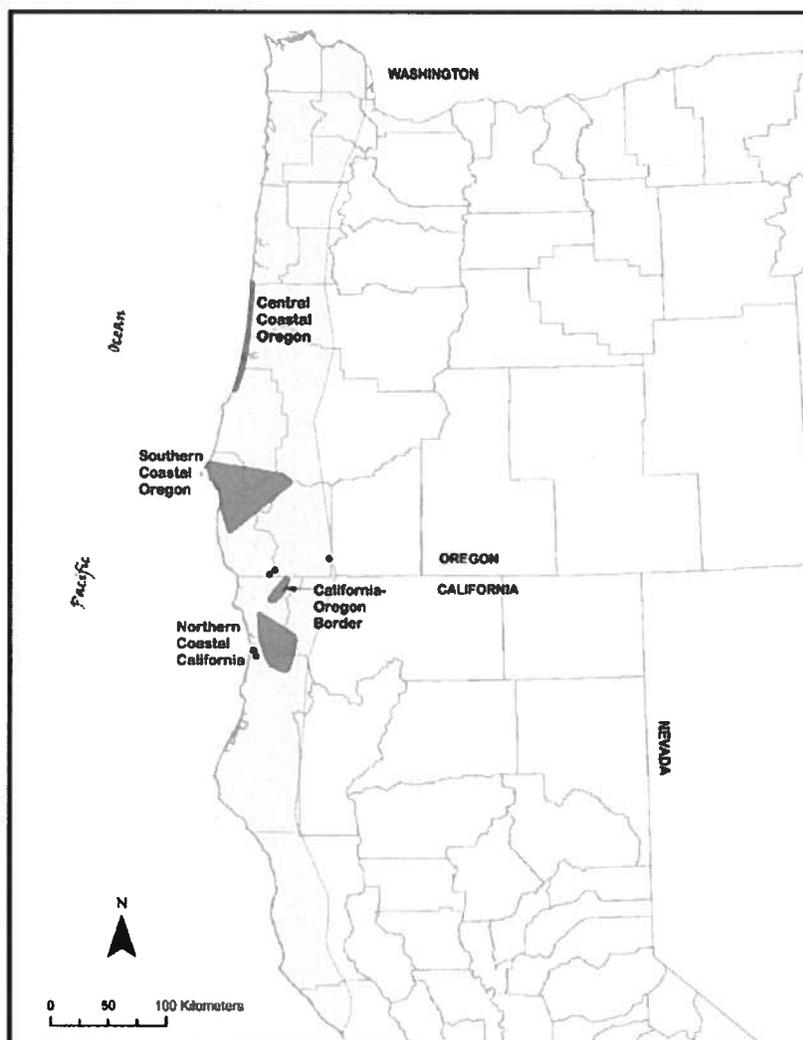


Figure 1. Historic range and current extant population clusters of coastal marten in Oregon and California (U.S. Fish and Wildlife Service 2018, p. 83). Dark shaded areas are the four current populations based on survey effort and verifiable marten detections (see U. S. Fish and Wildlife Service 2018, p. 82) and updated information. Points indicate detections that do not constitute a population. Light gray is the historical range of coastal marten.

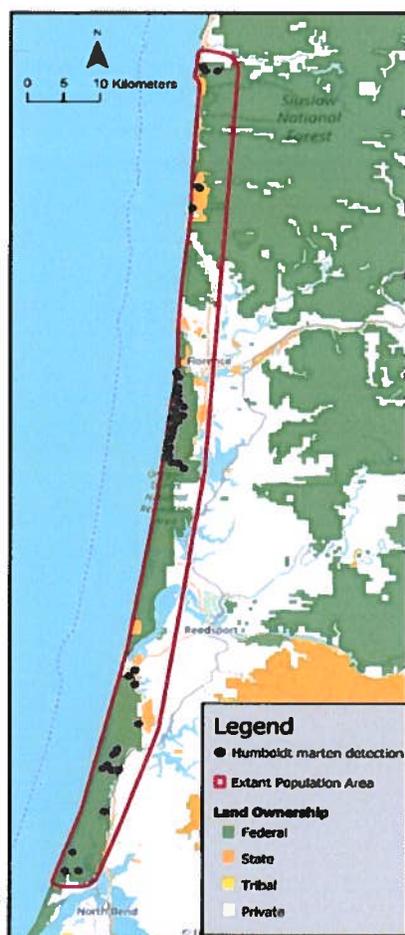


Figure 2. Central coastal Oregon population of coastal marten (U.S. Fish and Wildlife Service 2018, p. 84).

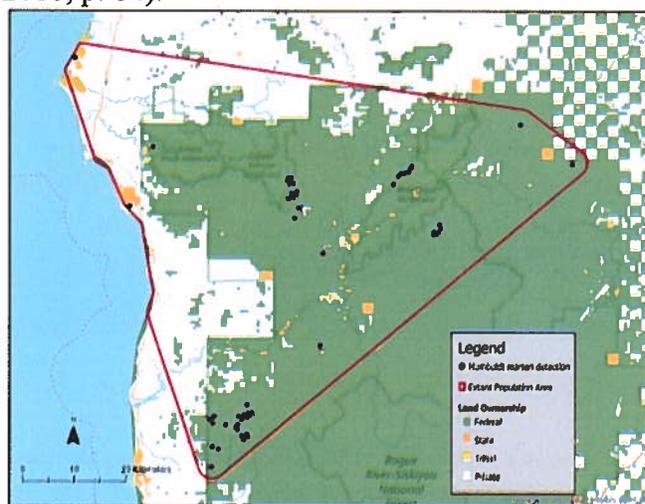


Figure 3. Southern coastal Oregon population of coastal marten (U.S. Fish and Wildlife Service 2018, p. 85).

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