

**Marbled Murrelet (*Brachyramphus marmoratus*)**  
**Species Information and Chronology**  
**U.S. Fish and Wildlife Service**  
**July 2008**

The marbled murrelet is a small seabird of the Alcidae family. The marbled murrelet's breeding range extends from Bristol Bay, Alaska, south to the Aleutian Archipelago; northeast to Cook Inlet, Kodiak Island, Kenai Peninsula and Prince William Sound; south along the coast through the Alexander Archipelago of Alaska, British Columbia, Washington, and Oregon; to northern Monterey Bay in central California. Birds winter throughout the breeding range and occur in small numbers off southern California. Marbled murrelets spend most of their lives in the marine environment where they forage in near-shore areas and consume a diversity of prey species, including small fish and invertebrates. In their terrestrial environment, the presence of platforms (large branches or deformities) used for nesting is the most important characteristic of their nesting habitat. Marbled murrelet habitat use during the breeding season is positively associated with the presence and abundance of mature and old-growth forests, large core areas of old-growth, low amounts of edge habitat, reduced habitat fragmentation, proximity to the marine environment and forests that are increasing in stand age and height.

**Chronology of Federal Actions:**

On October 1, 1992, the U.S. Fish and Wildlife Service listed marbled murrelet populations in Washington, Oregon and California under the federal Endangered Species Act as a threatened species.

On May 24, 1996, we published a final rule designating 3,887,800 acres in Oregon, Washington and California as critical habitat for the marbled murrelet.

On January 22, 1997, we published a final rule document availability for the Regulatory Flexibility Analysis examining the effects on small entities of the designation of critical habitat for the marbled murrelet (62 FR 3241).

On September 24, 1997, we completed a Recovery Plan for the Threatened Marbled Murrelet in Washington, Oregon, and California.

On April 2, 2002, the American Forest Resource Council filed a lawsuit challenging the marbled murrelet critical designation that was made on May 24, 1996.

On January 13, 2003, the Service entered into a settlement agreement to review the critical habitat designation and make any revisions the agency deemed appropriate, after a revised consideration of economic and any other relevant impacts of designation.

On April 21, 2003, we published a Notice of a 5-Year Review of the marbled murrelet (68 FR 19569), and on July 25, 2003, we published a second information request for the 5-Year Review (68 FR 44093).

On September 1, 2004, we announced the completion of the 5-year review, which concluded that marbled murrelets in Washington, Oregon and California do not constitute a Distinct Population Segment under the Service's DPS policy. We also announced our intention to look at the status of the marbled murrelet rangewide. That review is on-going.

On September 12, 2006, we proposed to revise the critical habitat designation for the marbled murrelet.

On March 7, 2007, the American Forest Resource Council filed suit against the Service for not delisting the marbled murrelet in Washington, Oregon and California on the basis of the 5-year review conclusion that those populations did not constitute a Distinct Population Segment.

On February 5, 2008, U.S. District Court Judge John D. Bates ruled in favor of the Service and dismissed the suit on the grounds that the 5-year review conclusion did not constitute an agency action and therefore not challengeable under the Administrative Procedures Act.

On March 5, 2008, the Service announced that it would not be revising the 1996 critical habitat designation at that time due to uncertainties concerning the Bureau of Land Management's proposed Western Oregon Plan Revisions. The Service said at the time that a revision of the critical habitat designation may be appropriate in the future.

On May 28, 2008, we received a petition from the American Forest Resource Council, the Carpenters Industrial Council, Douglas County, Oregon and Ron Stunzner to remove the marbled murrelet from the federal endangered species list. The petition cites the Service's 2004 5-year status review which indicated that the currently-listed population does not satisfy the agency's own criteria for designation as a Distinct Population Segment (DPS). The Service's response to the petition is due in late August 2008.

On July 31, 2008, we published a proposed rule in the Federal Register to revise critical habitat for the marbled murrelet.