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Settlement Protects Marbled Murrelet on Oregon State Forests, Cancels 28 Timber Sales

Agreement Also Ensures Future Logging Won't Harm Rare Seabird

Portland, Ore.— Three conservation organizations secured a major victory today for Oregon's coastal forests, reaching a settlement agreement with the state that cancels 28 timber sales in habitat for the threatened marbled murrelet on the Elliott, Clatsop and Tillamook state forests and improves future management practices to ensure the rare seabird is not harmed.

"This agreement provides immediate relief for the dwindling population of the marbled murrelet," said Francis Eatherington, conservation director of Cascadia Wildlands. "The state of Oregon needs to see more in our state forests than timber volume."

The agreement settles a legal challenge brought by the conservation organizations in 2012 arguing that logging of state forests authorized by the Oregon Department of Forestry harms the seabird, which is protected as a threatened species under the Endangered Species Act. Marbled murrelets are unique among seabirds in that they nest on the wide branches of large, old trees, making a daily trip of up to 35 miles inland to bring fish to their young. Logging of their forest homes is the primary threat to their survival.

"This is a huge win for marbled murrelets and other species that depend on older forests," said Bob Sallinger, conservation director of the Audubon Society of Portland. "The number of cancelled sales speaks to how out of alignment the state's practices were with the law. Hopefully this marks the beginning of a new era of responsible and sustainable management of our state's forests."

"If we're going to save the marbled murrelet, we have to protect the old forests this unique seabird calls home," said Noah Greenwald, endangered species director with the Center for Biological Diversity. "The state of Oregon and ODF flouted the law for years and now are paying the price. It's time for the state to find a path forward that generates income for schools, but doesn't drive species extinct in the process."

ODF previously had a habitat conservation plan for the Elliott State Forest that allowed it to log some older forest habitat in exchange for protecting other areas critical for threatened and endangered species in the long term and was working on a plan for the Tillamook and Clatsop state forests. ODF then abandoned its plans in order to log areas it had previously promised to protect. This broken promise left the state vulnerable to the litigation filed by the groups in May 2012.

Under the settlement agreement, the state will now have to protect more habitat for murrelets on state forests. This habitat is key to protecting the species, as current research in the Pacific Northwest shows that murrelet populations are declining by approximately 4 percent per year. Clearcutting of older forest on the three coastal state forests is a contributing factor. The Elliott State Forest is a 93,000-acre forest located in the Coast Range east of Coos Bay. The Clatsop and Tillamook are made up of over 500,000 acres in the northwest Oregon Coast Range.

In addition to providing habitat for imperiled species, these forests have a mandate to generate revenue for county and state services. Rather than clearcut older trees in the three forests to help fund schools and roads, the conservation organizations have long encouraged the state to pursue beneficial opportunities. They recommend protection of the forests for use in carbon markets, a timber program that focuses on restoration thinning of dense plantation forests, the sale of key habitat to land trusts or other conservation interests, or a combination of these mechanisms.

The three conservation organizations on the suit are the Audubon Society of Portland, Cascadia Wildlands and the Center for Biological Diversity. The groups are represented by Daniel Kruse of Eugene, Tanya Sanerib of the Center for Biological Diversity, Nick Cady of Cascadia Wildlands, Chris Winter of the Crag Law Center, Susan Jane Brown of the Western Environmental Law Center and Scott Jerger of Field Jerger LLP.

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