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October 24, 2007

Secretary Dirk Kempthorne  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dale Hall, Director  
U.S. Fish and Wildlife Service  
1849 C Street, N.W., Room 3256  
Mail Stop 3238 MIB  
Washington, D.C. 20240

Re:    Petition to Reopen Marbled Murrelet 5-Year Status Review

Dear Secretary Kempthorne and Director Hall:

We write to formally ask you to withdraw and redo the Marbled Murrelet 5-Year Status Review (dated Aug. 31, 2004, released Sept. 1, 2004) because it was interfered with by Ms. Julie MacDonald, former Deputy Assistant Secretary at the Department of the Interior.

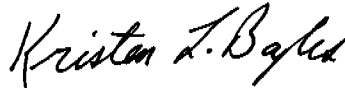
On July 20, 2007, Director Hall announced that the U.S. Fish and Wildlife Service was reopening eight Endangered Species Act decisions that were improperly influenced by Ms. MacDonald. While the marbled murrelet status review was initially included by FWS Region 1 Director Ren Lohofener as a decision to reopen, see FWS Region 1 Memo (June 28, 2007), <http://www.fws.gov/endangered/pdfs/macdonald/Region1.pdf>, the murrelet status review was dropped at the last minute as the Service claimed she had influenced policy, not science. Director Hall Memo (July 20, 2007), [http://www.fws.gov/endangered/pdfs/macdonald/7-20-07\\_memo.pdf](http://www.fws.gov/endangered/pdfs/macdonald/7-20-07_memo.pdf). While we feel that, in the ESA context, there can be no meaningful distinction between improper influence over policy versus improper influence over science, recent information we received through a Freedom of Information Act request proves that Ms. MacDonald improperly interfered with the science underlying the marbled murrelet status review.

According to the documents released by FWS, Ms. MacDonald was involved in the details of the murrelet status review, questioning reliance on certain scientific documents, urging consideration of unpublished timber industry data, and ultimately rewriting the draft status review's conclusion that murrelets in Washington, Oregon, and California deserved protection as a distinct population segment (DPS). Her questioning of scientific materials continued until the day before FWS released its final status review, when FWS changed its conclusion from "yes" to "no" on whether the tri-state population of murrelets qualified as a DPS.

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Although marbled murrelets remain protected, the invalid 5-Year Status Review has provoked 2 separate federal lawsuits and has led critics of murrelet protections to push for reduced critical habitat protection and delisting. We have attached a summary of the pertinent documents received through FOIA, as well as copies of the documents themselves. FWS must withdraw this status review and undertake another analysis, untainted by political interference, in order to restore some credibility to the agency and its duties to protect these imperiled seabirds. I look forward to your response.

Respectfully submitted,



Kristen L. Boyles  
*Attorney for Conservation NW, Oregon Wild, The  
Wilderness Society, Seattle Audubon Society,  
Environmental Protection Information Center,  
Center for Biological Diversity, Sierra Club, and  
Audubon Society of Portland*

Enclosures

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Congressman Nick Rahall  
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