



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: Remove Steller sea lion from the state's endangered species list. The species is currently listed as Threatened (WAC 232-12-011). Delisting criteria are described in WAC 232-12-297(4.1) and (4.2). The agency is initiating the delisting process in accordance with WAC 232-12-297(6.1.1), based on a federal determination that the species is no longer in danger of failing, declining, or vulnerable.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.12.047

Reasons why rules on this subject may be needed and what they might accomplish:

The National Marine Fisheries Service (NMFS) published a proposed rule on April 18, 2012, to remove the eastern Distinct Population Segment (DPS) of Steller sea lion from the list of Threatened species under the federal Endangered Species Act (ESA). The eastern DPS includes all Steller sea lion in Washington state. In response to petitions from Washington, Oregon, and Alaska, NMFS reviewed the current status of the eastern DPS and determined that the species has recovered and no longer meets the definition of a Threatened species under the federal ESA.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The eastern DPS of Steller sea lion are listed as Threatened under the federal ESA, but NMFS is now proposing to delist this population. Because state delisting action follows federal delisting decisions, and all of Washington's Steller sea lion are included in the eastern DPS, the Washington Department of Fish and Wildlife concurs that the eastern DPS of Steller sea lion has met recovery objectives and should be delisted.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Bill Tweit
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Phone: 360.902.2723 E-mail: William.Tweit@dfw.wa.gov

Contact by June 5, 2012. Expected proposal filing will be on or after June 20, 2012.

DATE
May 2, 2012

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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