



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-22-087 filed 11/3/14; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** The department is considering the removal of Steller sea lions from the state's threatened species list (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).

**Hearing location(s):**  
Natural Resource Building, Room 172  
1111 Washington Street Southeast  
Olympia, Washington 98501

Date: February 6-7, 2015 Time: 8:30 a.m.

**Date of intended adoption:** On or after March 20, 2015  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**  
Name: Wildlife Program Commission Meeting Public Comments  
Address: 600 Capitol Way North  
Olympia, WA 98501  
e-mail [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov)  
fax (360) 902-2162 by (date) January 14, 2015

**Assistance for persons with disabilities:** Contact  
Tami Lininger by January 21, 2015  
TTY (800) 833-6388 or (360) 902-2267

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposal will remove sea lion from WAC 232-12-011, Wildlife classified as protected shall not be hunted or fished, effectively removing Steller sea lions from the threatened species list in Washington.

**Reasons supporting proposal:** The department has reviewed all relevant data pertaining to the population status of Steller sea lions in Washington. These data show that the Washington population has strongly increased since the 1980s and is breeding in increasing numbers. This information indicates that the species is no longer in decline or at risk of becoming endangered. Thus, Steller sea lions should be removed from the state's threatened species list. The National Marine Fisheries Service federally delisted the eastern Distinct Population Segment (DPS) of Steller sea lions, which includes the Washington population, in 2013. The Washington Department of Fish and Wildlife has conducted its own review of the status of Steller sea lions in Washington and finds that the species should be delisted at the state level as well.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

**Statute being implemented:** RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**  
December 19, 2014

**NAME** (type or print)  
Joanna Eide

**SIGNATURE**

**TITLE**  
Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 19, 2014**  
**TIME: 4:38 PM**

**WSR 15-01-139**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Nate Pamplin	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2515
Implementation....	Nate Pamplin	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2515
Enforcement.....	Steven Crown	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

This rule change does not impact small business.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: This proposal does not involve hydraulics.

**WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished.** Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
<del>((Steller (northern) sea lion</del>	<del><i>Eumetopias jubatus</i></del>
North American lynx	<i>Lynx canadensis</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>

Common Name	Scientific Name
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.