"GREEN SHEET"

Meeting: November 7-8, 2008

Agenda Item 14: Species Delisting Process – **Briefing**

Prepared By: Harriet Allen

Presented By: Harriet Allen, Threatened and Endangered Species Section Manager, Wildlife Program

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Background:

The Commission has requested a briefing on the legal explanation and analysis of the wolf delisting process. Specifically, the Commission has requested an "understanding of legal authority and discretion of the Commission in the wolf delisting process" and a "communication tool to assist public and commission in understanding legal constraints and delisting process". The output requested was:

"(1) briefing regarding delisting process under state law including extent of Commission's discretion in adopting the recovery plan and

(2) plain English fact sheet explaining status of gray wolf in Washington under federal law (including discussion of federal policy for Washington outside the DPS) and under state law (including process for delisting and any standards (criteria) generally used in delisting)."

The briefing will include a fact sheet explaining the status of the gray wolf under both state and federal law. The wolf is listed as endangered in Washington under both state and federal law. The process for delisting under state law is contained in WAC 232.12.297. The criteria for delisting a species in Washington are identified in Sections 4.1 and 4.2 of the WAC:

4.1 The commission shall delist a wildlife species from endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available.

4.2 A species may be delisted from endangered, threatened, or sensitive only when populations are no longer in danger of failing, declining, are no longer vulnerable, pursuant to section 3.3, or meet recovery plan goals, and when it no longer meets the definitions in sections 2.4, 2.5, or 2.6.

The briefing will explain elements of the delisting process including: delisting criteria, initiation of delisting, public notice, species status review and agency recommendation, public review, SEPA review, final agency recommendations and Commission action.

Policy Issue(s) you are bringing to the Commission for consideration:

Species delisting procedures under state law.

Public involvement process used and what you learned:

N/A

Action requested (identify the specific Commission decisions you are seeking):
None, briefing only. This is a Commission request from the May 2-3, 2008 Commission meeting.

Draft motion language:
N/A

Justification for Commission action:
N/A

COMMISSION REQUEST TO DEPARTMENT

a.k.a. "Blue Sheet"

Title of Request: LEGAL EXPLANATION & ANALYSIS OF WOLF DELISTING PROCESS

Commissioner: WECKER

Priority Level (put one check in each row):

Importance:	[X] High	[ ] Medium	[ ] Low
Urgency:	[ ] High	[X] Medium	[ ] Low

Date Requested: May 3, 2008 **Date Assigned:** May 6 (at debrief)
[Dep. Director use]

Assigned To (Program/staff person): Wildlife Program
[Dep. Director use]

Requested Due Date: November 7-8, 2008, Commission meeting in Ellensburg

Knowledge or Action Being Requested (narrative). Describe what you want to know. Be specific.

- Understanding of legal authority and discretion of the Commission in the wolf delisting process.
- Communication tool to assist public and Commission in understanding legal constraints and delisting process.

Output Requested (e.g., telephone call, memo, material from files, new report, presentation, other):

1. Briefing regarding delisting process under state law, including extent of Commission's discretion in adoption the recovery plan.
2. Plain English fact sheet explaining status of gray wolf in Washington state under federal law (Including discussion of federal policy for Washington state outside the DPU) and under state law (including process for delisting and any standards/criteria generally used in delisting).