

GREEN SHEET”

Meeting: June 3-4, 2011
Agenda Item 3: Endangered Species Act Overview - **Briefing**
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Presented By: Harriet Allen, Endangered Species Section Manager, Wildlife Program

Background:

The Commission requested a briefing on the state endangered species process to list and delist species. The presentation will cover the process for identifying candidate species for listing through the process steps identified in WAC 232-12-097 to list and delist species in Washington. These include definitions, listing and delisting criteria, initiation of the process, species status reviews and recommendations, public review, periodic status reviews, and recovery and management of listed species. Elements of the process are as follows:

1. Candidate species are those for which sufficient evidence suggests that their status may meet the listing criteria defined for State Endangered, Threatened, or Sensitive in WAC 232-12-297, Section 3.3: "When populations are in danger of failing, declining, or are vulnerable, due to factors including, but not restricted to, limited numbers, disease, predation, exploitation, or habitat loss or change." They are identified by WDFW Policy and Procedure 5301 and the list is updated annually. They are reviewed for listing under the listing procedures in WAC 232-12-297.
 2. Listing/delisting may be initiated internally, via petition from interested parties, by emergency action, or by Commission request. Listing/delisting is based solely on the biological status of the species. If a species is listed under the federal Endangered Species Act (ESA), the agency will recommend to the Commission that it be listed under state law as well. When initiating a listing/delisting process, the agency publishes a notice in the Washington State Register to announce the initiation and request information relevant to a species status report.
 3. The agency prepares a species status review prior to making a classification recommendation to the Commission. It is reviewed by the public and scientific community and includes, but is not limited to: historic, current, and future species population trends; natural history, including ecological relationships); historic and current habitat trends; population demographics and their relationship to long term sustainability; and historic and current species management activities. For delisting, the status report includes a review of recovery plan goals.
 4. The agency prepares recommendations for species classification, based upon scientific data contained in the status report. The recommendation undergoes a State Environmental Policy Act (SEPA) review to determine the environmental consequences of adopting the recommendations.
 5. The status report, listing recommendation, and SEPA documents are submitted to public review for at least 90 days. After the close of the public comment period, the agency completes a final status report and classification recommendation, and prepares any SEPA documents needed for the final agency recommendation for classification.
 6. The agency presents the classification recommendation to the Commission for action. The final
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species status report, agency classification recommendation, and SEPA documents are made available to the public at least 30 days prior to the Commission meeting.

7. The agency conducts a review of each endangered, threatened, or sensitive wildlife species at least every five years after the date of its listing. The status of all delisted species is to be reviewed at least once, five years following the date of delisting. In the review, the department evaluates the necessity of changing the classification of the species and reports its findings to the Commission at a Commission meeting. The agency notifies the public of its findings at least 30 days prior to presenting the findings to the Commission.

8. The agency writes a recovery plan for species listed as endangered or threatened and a management plan for sensitive species. The plans address the listing criteria and include but are not limited to: target population objectives, criteria for reclassification, an implementation plan for reaching population objectives, public education needs, and a species monitoring plan.

9. Recovery and management plans are initiated by the agency within one year after the date of listing, and a notice is published in the Washington State Register when recovery plans are initiated.

10. If deadlines are not met, the department notifies the public and reports the reasons for missing the deadline and strategy for completing the plan at a Commission meeting. The intent is to recognize department staff resources, and the length of time that may be required for some species that may require involvement by interests outside of the department.

11. The agency shall provide an opportunity for interested members of the public to comment on the recovery plan and any SEPA documents.

12. The agency and an ad hoc public group with members representing a broad spectrum of interests shall meet, as needed, to monitor the progress of the development of recovery and management plans and status reviews, and to make recommendations to the department and other interested parties to improve the effectiveness of the procedures. The group then meets six years after the adoption of the rules and reports its findings to the Commission.

13. The Commission has the authority to classify wildlife as endangered and protected under RCW 77.12.020. Species classified as endangered are listed under WAC 232-12-014; species classified as threatened and sensitive are listed under WAC 232-12-011.

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

No specific policy calls are requested for this briefing. Implementation of the listing process identifies and classifies wildlife species that have need of protection and, or management to ensure their survival as free-ranging populations in Washington, and ensures that consistent procedures and criteria are followed when classifying wildlife as endangered, threatened or sensitive. The listing procedures also mandate development of recovery plans to ensure that strategies are developed and implemented to recover the listed species to healthy, self-sustaining populations in the state. They help guide WDFW recovery actions and the WDFW listings are used by other entities to help protect, manage, and recover the species.

Public involvement process used and what you learned:

An extensive public process was used to develop WAC 232-12-297. The procedures were developed in 1989 and adopted by the Commission in 1990. They were developed by an ad hoc

committee composed of 29 active participants from varied interests including conservationists, industry, government, and the public. These participants represented the Audubon, Defenders of Wildlife, Washington Environmental Council, The Nature Conservancy, Washington State Sportsmen Council, King County Outdoor Sports Council, Washington State Conservation Committee, Weyerhaeuser, Washington Forest Protection Association, Boise Cascade, Washington Realtors, Farm Bureau, State Grange, Dairy Federation, State Cattlemen's Association, State Parks and Recreation, Department of Natural Resources, U.S. Fish and Wildlife Service, U.S. Department of Agriculture - ADC (USDA Wildlife Services), County Planners, Tulalip Indian Tribe, and interested public individuals.

Major considerations identified by the participants in developing the procedures were that listing/delisting should be based solely on a species' biological status; the process should include a sufficient public review component, to allow inclusion of all relevant data; and the process should set the stage for identifying the recovery needs of all listed species, with delisting as the goal.

Action requested (identify the specific Commission decisions you are seeking):

Briefing only.

Draft motion language:

NA

Justification for Commission action:

NA

Communications plan:

The WDFW website describes the process.
