

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

PSR – Greater Sage Grouse

Written Supporting Comments:

There was substantial response to the 90-day public comment period on the Periodic Status Review with 1,257 comments in support of up-listing primarily from two form letter copies.

Written Opposing, Neutral, and Other Comments:

There was substantial response to the 90-day public comment period on the Periodic Status Review with one comment not supporting the recommendation out of concern it could lead to federal listing.

Fish and Wildlife Commission Hearing, Public Comments:

There was zero public testimony for the greater sage grouse during the March Fish and Wildlife Commission meeting.

Rationale-Agency Action Regarding Comments:

[RCW 34.05.325 (6)(iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.]

The greater sage grouse if uplisted to endangered would not be considered during this periodic status review as federally listed. If, in the future that is a recommendation, the department staff would go through the same process of a 1 year

Reasons supporting proposal: Greater sage-grouse in Washington were listed as threatened in 1998 with a recovery plan completed in 2004. The state-wide population estimate, based on lek counts, was 676 birds in 2019. Preliminary data for 2020 suggested that the population in Lincoln County declined from 13 to ten, the population on the Joint Base Lewis-McChord (JBLM) – Yakima Training Center (YTC) declined from 78 to 65, while the population in Douglas County increased from 585 to 653, for a statewide total of 770. Subsequent to those counts, the habitat of all three populations were affected by wildfires. Preliminary assessments suggest that the Douglas County population will be reduced by ~50% due to loss of sagebrush on half the occupied habitat, and mortalities primarily from high predation due to lack of cover. The struggling Lincoln County population will probably be extirpated.

The potential for wildfires to eliminate sagebrush (*Artemisia* spp.) on extensive areas has been the greatest ongoing threat to sage-grouse in Washington, as we have seen in 2020. However, with the continued decline, all of Washington's populations are now likely suffering from problems with genetic health and fitness related to small population size. Uncertainty about the long-term maintenance of habitat that depends on Farm Bill programs (CRP/SAFE) is also a major concern. Other major management issues include habitat that is fragmented by roads, agriculture, development and degraded by past wildfires, historical excessive livestock grazing, fencing, electrical transmission lines, and exotic vegetation. Sage-grouse may suffer mortality rates above historical levels as a result of collisions with fences, powerlines, vehicles, and higher populations of some generalist predators, especially ravens and coyotes.

The Washington Department of Fish and Wildlife (WDFW) and several partner organizations are working on habitat and other aspects of sage-grouse recovery. Without these efforts, the sage-grouse would likely decline to extinction in Washington. In Spring 2020, sage-grouse had not yet declined to population levels indicated in the 2004 state recovery plan for up-listing (<650 birds); however, that was before the devastating fires of September, and the threshold assumed that the Douglas County and JBLM-YTC populations were connected, which now appears unjustified. Due in part to their polygynous mating system, the effective size of the three populations are ~107 birds for Douglas County and ten birds for JBLM-YTC. Extinction of the Lincoln County population is all but certain, and of the JBLM-YTC within a decade or so is likely unless they can be increased substantially. The hope of any reintroductions in the future is tempered by the recent failure of the reintroduction project by the Yakama Nation, the probable failure of the Lincoln County population, and the continued loss of habitat in suitable conditions by wildland fire.

Concurrent with this troubling decline, genomic analysis has indicated that Washington's population is more distinct than the bi-state population that was proposed for listing as a threatened 'Distinct Population Segment' under the Endangered Species Act (USFWS 2019). For these reasons, it is recommended the sage-grouse be up-listed to endangered in Washington. |

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION: | |

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

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

- | |
|--|
| <input type="checkbox"/> Private |
| <input type="checkbox"/> Public |
| <input checked="" type="checkbox"/> Governmental |

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: []
Address: []
Phone: []
Fax: []
TTY: []
Email: []
Other: []

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: []
TTY: []
Email: []
Other: []

No: Please explain: [The proposed PSR for the greater sage grouse does not require a cost benefit analysis per RCW 34.05.328.]

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description: []

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW [_____].

Explanation of exemptions, if necessary: []

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. [_____]

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: []
Address: []
Phone: []
Fax: []
TTY: []
Email: []
Other: []

Date: February 11, 2021

Signature:

Name: Annie Szvetecz



Title: WDFW Rules Coordinator