



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

4/23/2021

Agenda item:

Periodic Status Review (PSR) for the Gray and Humpback Whales- (Maintain) Decision

Presenter(s):

Taylor Cotten, Wildlife Diversity Division

Background summary:

Department staff briefed the Commission on the recommendation to maintain status for the gray and humpback whales.

The gray whale Eastern North Pacific population has recovered and been at or near carrying capacity for several decades. But due to concerns regarding the recent 24% population reduction due to the ongoing UME, small populations of the Pacific Coast Feeding Group, the presence of the federally endangered Western North Pacific population of gray whales in Washington, and the threats described in this report, we recommend that the gray whale be retained as a state sensitive species in Washington. Two of the four humpback whale distinct population segments, the Central America DPS and the Mexico DPS, together comprise at least around 1/3 of the humpback whales that visit Washington waters and remain below sustainable numbers. They are federally listed as endangered and threatened, respectively. Given the high proportion of protected whales in WA waters, their federal status, and support the conservation efforts of other agencies and organizations, we recommend that the humpback whale be retained as a state endangered species. WDFW received two public comments, one positive and one neutral during the 90 day public comment period.

Staff recommendation:

Maintain sensitive status for gray whale and endangered status for humpback whale.

Policy issue(s) and expected outcome:

n/a

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

PSR posted on WDFW site for 90-day public review. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 25-27,

2021 Commission meeting online. There were two comments during the 90 comment period on the document in favor of the recommendation. During the briefing there were three individuals commenting on the Gray Whale PSR, two in favor of at least maintaining the status but also encouraged to consider the status of the species sooner than the next 5 years and one individual supporting using the most recent data to make these decisions. There was one individual commenting on the Humpback Whale PSR also supporting maintaining its current status.

Action requested and/or proposed next steps:

Decision on listing status recommendations.

Draft motion language:

A motion to maintain the status of the gray and humpback whale is:

I move to approve the recommendation that the gray whale maintain its current status as presented by staff.

I move to approve the recommendation that the humpback whale maintain its current status as presented by staff.

Post decision communications plan:

Updates to the Fish and Wildlife website will be located here:

- [Gray Whale](https://wdfw.wa.gov/species-habitats/species/eschrichtius-robustus) (https://wdfw.wa.gov/species-habitats/species/eschrichtius-robustus)
 - [Humpback Whale](https://wdfw.wa.gov/species-habitats/species/megaptera-novaeangliae) (https://wdfw.wa.gov/species-habitats/species/megaptera-novaeangliae)
-

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

PSR – Gray and Humpback Whale – Maintain

Written Opposing, Neutral, and Other Comments:

Fish and Wildlife Commission Hearing, Public Comments:

Erin Gless from the Pacific Whale Watch Association Community was supportive of the maintaining the status of the gray whale mentioned most recent population estimate from NOAA is down around 6,000 whales and concerns about continued poor physical condition as part of UME and agree maintaining as sensitive at a minimum. Would also suggest evaluating again prior to the 5 years required by WAC. Also agree that keeping with keeping current endangered classification based on whale movement data.

Larry Thevik with Washington Dungeness Crab Fishers Association. Wishes to make sure the website is updated with the recent information that was presented during the presentation, pleased to see the most recent information is being used for the decision after updates to the Periodic Status Review. Not advocating a change one way or the other.

Cindy Hansen from the Orca Network was supportive of maintaining the gray whale as a sensitive species. In addition she felt the Periodic Status Review was lacking in information on the “sounders” and their significance to the WA whale population, requesting the status review be updated to highlight the sounders more. With the continued UME and low reproductive numbers may warrant an additional review of the species sooner than five years.

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.]*Text.

Website information will be updated to reflect the updated powerpoint presentation and materials presented during the meeting to address Larry Thevik’s comments. The periodic status review has also been updated to include more information on the sounders and ensure the most recent information on WA humpback and gray whale populations is reflected as well as the uncertainty still inherent in the preliminary data. We will work with the commission to determine if the species should be revisited sooner than the five year interval described in WAC.