

Wolf Periodic Status Review – Briefing or Decision

WAC 220-200-100 and WAC 220-610-010

TABLE OF CONTENTS

Summary Sheet.....	1
WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished.....	3
WAC 220-610-010 Wildlife classified as endangered species	8
Background and Commission Engagement	12
CR-102	14



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

3/16/2024

Agenda item:

Periodic Status Review for the Gray Wolf – Briefing and Public Hearing

Presenter(s):

Julia Smith, Endangered Species Recovery Section Manager

Background summary:

The Washington Department of Fish and Wildlife (WDFW) is proposing to reclassify the gray wolf in the state of Washington. WDFW bases its proposal to reclassify the gray wolf as Sensitive on scientific information contained in the Periodic Status Review for the Gray Wolf (PSR; available at <https://wdfw.wa.gov/publications/02427>). This report summarizes evidence that the wolf population no longer meets the definition of Endangered in the state and should be reclassified as a Sensitive species. Based on 14 consecutive years of population growth, population modeling predictions that indicate Washington’s wolf population is robust and will continue to grow and expand its range (including in the Southern Cascades and Northwest Coast recovery region), and ongoing state and federal protections, WDFW proposes to reclassify the wolf to indicate that the wolf does not meet the definition of State Endangered, which requires that the species is “seriously threatened with extinction” (WAC 220-610-110). WDFW proposes to reclassify the wolf to State Sensitive, “vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats” (WAC 220-610-110). This proposed reclassification reflects the significant progress toward recovery that Washington’s wolf population has made since the original state listing in 1980 but recognizes that wolves remain vulnerable in western Washington and should continue to be managed for recovery within the state as a protected species.

Staff recommendation:

WDFW staff recommend the gray wolf be reclassified from State Endangered to State Sensitive status.

Policy issue(s) and expected outcome:

This proposed change, if adopted, would change the gray wolf from endangered status under WAC 220-610-010 to sensitive status under WAC 220-200-100. The anticipated effects of the proposed rule amendments would be minimal. Protective measures will remain in effect for wolves in Washington if the proposed rule amendments are approved. Changing the classification of wolves to state Sensitive status would continue to protect them

from unlawful take under Chapter 77.15 RCW. The species would continue to be protected from malicious and intentional harassment. RCW 77.15.130 outlines that Sensitive wildlife shall not be hunted, taken, or harassed. In addition, the proposed Sensitive status is a sub-category of protected wildlife, which “shall not be hunted or fished.” RCW 77.08.010(52); 77.12.020(5). Wolves would also remain on the list of Priority Habitats and Species (PHS). Under state law (RCW 77.12.395), proactive nonlethal deterrents must be included in development of conflict mitigation guidelines regardless of listing status.

Appendix A of the PSR document shows differences in conservation/management provisions for wolves under endangered and protected state species classifications and can assist policy makers in weighing the implications of future management actions. WDFW received comments through the Draft Periodic Status Review public process (May 18 – Aug. 16, 2023) discussed in Appendix B of the PSR document.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

See Background and Commission Engagement Document and Appendix B of the Final Periodic Status Review.

Action requested and/or proposed next steps:

Briefing and public comment only.

Draft motion language:

Briefing and public comment only.

Post decision communications plan:

Website update, news release, WAC updates.

Form revised 1-20-21

AMENDATORY SECTION (Amending WSR 23-24-005, filed 11/27/23, effective 12/28/23)

WAC 220-200-100 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
sea otter	<i>Enhydra lutris</i>
green sea turtle	<i>Chelonia mydas</i>
Mazama pocket gopher	<i>Thomomys mazama</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</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
American white pelican	<i>Pelecanus erythrorhynchos</i>
Gray whale	<i>Eschrichtius robustus</i>

Common Name	Scientific Name
<u>Gray Wolf</u>	<u><i>Canis lupus</i></u>
Common Loon	<i>Gavia immer</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>
Cascade golden-mantled ground squirrel	<i>Callospermophilus saturatus</i>
golden-mantled ground squirrel	<i>Callospermophilus lateralis</i>
Washington ground squirrel	<i>Uroditellus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
Humboldt's flying squirrel	<i>Glaucomys oregonensis</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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 23-24-005 (Order 23-09), § 220-200-100, filed 11/27/23, effective 12/28/23; WSR 23-12-051 (Order 23-02), § 220-200-100, filed 6/1/23, effective 7/2/23. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030. WSR 23-06-035 (Order 22-13), § 220-200-100, filed 2/23/23, effective 3/26/23. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-20-010 (Order 21-196), § 220-200-100, filed 9/23/21, effective 10/24/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-13-032 (Order 21-60), § 220-200-100, filed 6/10/21, effective 7/11/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 18-17-153 (Order 18-207), § 220-200-100, filed 8/21/18, effective 9/21/18. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-20-030 (Order 17-254), § 220-200-100, filed 9/27/17, effective

10/28/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-200-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-02-084 (Order 17-02), § 232-12-011, filed 1/4/17, effective 2/4/17; WSR 15-10-021 (Order 14-95), § 232-12-011, filed 4/27/15, effective 5/28/15. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-03-068 (Order 08-09), § 232-12-011, filed 1/14/08, effective 2/14/08; WSR 06-04-066 (Order 06-09), § 232-12-011, filed 1/30/06, effective 3/2/06. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-12-011, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.047. WSR 02-08-048 (Order 02-53), § 232-12-011, filed 3/29/02, effective 5/1/02; WSR 00-17-106 (Order 00-149), § 232-12-011, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770. WSR 00-10-001 (Order 00-47), § 232-12-011, filed 4/19/00, effective 5/20/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-04-017 (Order 00-05), § 232-12-011, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-011, filed 11/6/98, effective 12/7/98. Statutory Authority: RCW 77.12.040. WSR 98-10-021 (Order 98-71), §

232-12-011, filed 4/22/98, effective 5/23/98. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 232-12-011, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 77.12.020. WSR 97-18-019 (Order 97-167), § 232-12-011, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040, 77.12.020, 77.12.030 and 77.32.220. WSR 97-12-048, § 232-12-011, filed 6/2/97, effective 7/3/97. Statutory Authority: RCW 77.12.020. WSR 93-21-027 (Order 615), § 232-12-011, filed 10/14/93, effective 11/14/93; WSR 90-11-065 (Order 441), § 232-12-011, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 77.12.040. WSR 89-11-061 (Order 392), § 232-12-011, filed 5/18/89; WSR 82-19-026 (Order 192), § 232-12-011, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-011, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-011, filed 6/1/81.]

AMENDATORY SECTION (Amending WSR 23-24-005, filed 11/27/23, effective 12/28/23)

WAC 220-610-010 Wildlife classified as endangered species.

Endangered species include:

Common Name	Scientific Name
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Pekania pennanti</i>
(gray wolf	<i>Canis lupus</i>)
grizzly bear	<i>Ursus arctos</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
North Pacific right whale	<i>Eubalaena japonica</i>
sperm whale	<i>Physeter macrocephalus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
Columbian sharp-tailed grouse	<i>Tympanuchus phasianellus columbianus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>Charadrius nivosus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>
North American lynx	<i>Lynx canadensis</i>

Common Name	Scientific Name
marbled murrelet	<i>Brachyramphus marmoratus</i>
Loggerhead sea turtle	<i>Caretta caretta</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
Pinto abalone	<i>Haliotis kamtschatkana</i>
Greater sage grouse	<i>Centrocercus urophasianus</i>
Ferruginous hawk	<i>Buteo regalis</i>
Cascade red fox	<i>Vulpes vulpes cascadenis</i>
western gray squirrel	<i>Sciurus griseus</i>

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 23-24-005 (Order 23-09), § 220-610-010, filed 11/27/23, effective 12/28/23. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030. WSR 23-06-035 (Order 22-13), § 220-610-010, filed 2/23/23, effective 3/26/23. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-20-010 (Order 21-196), § 220-610-010, filed 9/23/21, effective 10/24/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-13-032 (Order 21-60), § 220-610-010, filed 6/10/21, effective 7/11/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-07-019 (Order 21-15), § 220-610-010, filed 3/5/21, effective 4/5/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 19-13-013 (Order 18-120), § 220-610-010, filed 6/7/19, effective 7/8/19; WSR 18-17-153 (Order 18-207), § 220-610-010, filed 8/21/18, effective 9/21/18. Statutory Authority: RCW 77.04.012,

77.04.055, 77.12.020, and 77.12.047. WSR 17-20-030 (Order 17-254), § 220-610-010, filed 9/27/17, effective 10/28/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-610-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-02-084 (Order 17-02), § 232-12-014, filed 1/4/17, effective 2/4/17; WSR 16-11-023 (Order 16-84), § 232-12-014, filed 5/6/16, effective 6/6/16; WSR 15-10-022 (Order 14-95), § 232-12-014, filed 4/27/15, effective 5/28/15. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 06-04-066 (Order 06-09), § 232-12-014, filed 1/30/06, effective 3/2/06; WSR 04-11-036 (Order 04-98), § 232-12-014, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-12-014, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-04-017 (Order 00-05), § 232-12-014, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-014, filed 11/6/98, effective 12/7/98; WSR 97-18-019 (Order 97-167), § 232-12-014, filed 8/25/97, effective 9/25/97; WSR 93-21-026 (Order 616), § 232-12-014, filed 10/14/93, effective 11/14/93. Statutory Authority: RCW 77.12.020(6). WSR 88-05-032 (Order 305), § 232-12-014, filed

2/12/88. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-014, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-014, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-014, filed 6/1/81.]

Periodic Status Review for Gray Wolves in Washington – Background and Commission Engagement

October 1, 2018 – WDFW filed a [CR-101 \(WSR 18-20-084\)](#) to initiate the process for a periodic status review (PSR) of gray wolves in Washington. WDFW compiled and reviewed data collected from wolves in Washington from the previous decade to prepare for the assessment and analysis that would inform the PSR.

2019 – 2020 – Wolf Committee of the Fish and Wildlife Commission was formed in January 2019 and discussed PSR process and development in depth throughout 2019 and 2020 (>10 meetings).

August 22, 2019 – In an effort to ensure a scientifically defensible approach for the PSR, WDFW requested review and discussion with a panel of external experts. WDFW staff met with researchers with relevant experience from the University of Wisconsin-Madison, the University of Montana, and the University of Washington to review the original modeling approach used during the development of the 2011 Wolf Conservation and Management Plan. This group debated the efficacy of using the same model versus a different modeling approach to determine the status of Washington wolves for the PSR. The panel of scientists discussed whether updating the existing model parameters with empirical data collected from Washington wolves since recolonization would be the optimal approach or if alternative modeling techniques using those same Washington-specific data would be more appropriate.

The consensus recommendation from the panel was that WDFW develop a new model that uses data from Washington (rather than other states), and one in which the relative contribution of the various model parameters could be determined through sensitivity analysis. They further suggested that WDFW consider that the most efficient and effective way to achieve a defensible, objective product would be to assign the task to a dedicated, 9-12 month, university postdoctoral position.

Late 2019/early 2020 – WDFW contracted with the University of Washington (Drs. Sarah Converse and Beth Gardner) to hire a postdoctoral scientist to develop a spatially-explicit population model for Washington’s wolf population to inform the status review.

2020 – 2022 – Postdoctoral scientist Dr. Lisanne Petracca led the development of a model to estimate current and project future population dynamics of wolves in Washington. This modeling effort is the first of its kind developed using data from Washington’s wolf population rather than data from wolves in other states. Petracca et al. used data from 74 collared wolves and yearly pup and pack counts to parameterize the model, and then projected statewide dynamics over 50 years.

July 6, 2020 – [First UW model update to Wolf Committee](#) and [audio transcript](#)

December 7, 2020 – [Second UW model update to Wolf Committee](#) and [audio transcript](#)

July 16, 2021 – Third [UW model update to full Commission](#) and [audio transcript](#)

November 19, 2021 – [Draft wolf model scenarios for simulations in UW wolf model presented to Wolf Committee](#) and [audio transcript](#)

January 13, 2022 – [Discussion with UW team of metrics used to inform wolf recovery](#)

February 19, 2022 – UW scientists presented results of the population model and potential conservation and management scenarios that would inform the PSR to the Fish and Wildlife Commission. The meeting recording is available [here](#) (presentation starts at approximately 1:03:00) and the associated presentation is available [here](#). Results indicated “confidence that the wolf population is growing” and that Washington’s wolves would eventually recolonize all suitable habitat in Washington, including the South Cascades and Olympic Peninsula. Of management scenarios analyzed, cessation of out of state immigration and high additive harvest had the highest impacts on future wolf population abundance.

2022 – 2023 – UW scientists drafted manuscripts that would be internally peer-reviewed by USGS and that WDFW would reference in the draft PSR. UW scientists submitted these manuscripts for publication in peer-reviewed journals.

March 28, 2023 – WDFW shared the final report from the University of Washington detailing the Washington wolf population model and scenarios with Commissioners via email along with a release date for the PSR and proposed timeline.

April 10, 2023 – WDFW shared the final report from the University of Washington detailing the Washington wolf population model and scenarios in the [March 2023 monthly wolf update](#).

April 12, 2023 – Update on PSR process and rollout provided at Wolf Advisory Group meeting

May 18, 2023 – [Public release](#) of Draft PSR and start of 90-day public comment period

May 18 – August 16, 2023 – 90-day public comment period on Draft PSR

January 2024 – Washington wolf population model [published in Biological Conservation](#)

February 7, 2024 – [Public release](#) of [Final PSR, CR-102](#) (WSR 24-04-094, rulemaking proposal), and [SEPA determination](#)

February 7 – May 6, 2024 – 90-day* public comment period on CR-102 and SEPA determination

March 15, 2024 – Commission briefing and public hearing on CR-102 (rulemaking proposal)

June 21 or 22, 2024 – Commission decision on CR-102 (rulemaking proposal)

*30-day comment period is typical for this step.



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 07, 2024
TIME: 9:16 AM

WSR 24-04-094

Agency: Washington Department of Fish and Wildlife (WDFW) P2023-08]

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR** 18-20-084 on 10/1/2018 ; 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); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) WAC 220-610-010 (Wildlife classified as endangered species) and WAC 220-200-100 (Wildlife classified as protected shall not be hunted or fished); potential change in classification of the gray wolf in conjunction with periodic status review.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 15-16, 2024	8:00 a.m.	NRB 1111 Washington St. S.E. Olympia, WA. 98501 Room 172	Information on how to register to testify at the public hearing is available at: https://wdfw.wa.gov/about/commission/meetings#public-testimony , or contact the Commission office at (360)-902-2267.

Date of intended adoption: On or after June 21, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Wildlife Program
 Address: PO Box 43200, Olympia, WA 98504
 Email: graywolf2024@publicinput.com
 Fax: (360) 902-2162
 Other: <https://publicinput.com/graywolf2024>
 Phone: 855-925-2801 project code 6505
 To comment on the **SEPA Determination:**
https://publicinput.com/sepa_graywolf
 SEPA Email: sepa_graywolf@publicinput.com
 By (date) May 6, 2024

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator
 Phone: (360) 902-2349
 Fax:
 TTY: 1-800-833-6388 or 711
 Email: Title6@dfw.wa.gov
 Other: <http://wdfw.wa.gov/accessibility/requests-accommodation>
 By (date) May 6, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington Department of Fish and Wildlife (WDFW) is proposing to reclassify the gray wolf in the state of Washington. This proposed change, if adopted, would change the gray wolf from endangered status under WAC 220-610-010 to sensitive status under WAC 220-200-100.

The anticipated effects of the proposed rule amendments would be minimal. Protective measures will remain in effect for wolves in Washington if the proposed rule amendments are approved. Changing the classification of wolves to state Sensitive status would continue to protect them from unlawful take under Chapter 77.15 RCW. The species would continue to be protected from malicious and intentional harassment. RCW 77.15.130 outlines that Sensitive wildlife shall not be hunted, taken, or harassed. In addition, the proposed Sensitive status is a sub-category of protected wildlife, which "shall not be hunted or fished." RCW 77.08.010(52); 77.12.020(5). Wolves would also remain on the list of Priority Habitats and Species (PHS).

Reasons supporting proposal: WDFW bases its proposal to reclassify the gray wolf as Sensitive on scientific information contained in the Periodic Status Review for the Gray Wolf (available at <https://wdfw.wa.gov/publications/02427>). This report

summarizes evidence that the wolf population no longer meets the definition of Endangered in the state and should be reclassified as a Sensitive species.

Based on 14 consecutive years of population growth, population modeling predictions that indicate Washington's wolf population is robust and will continue to grow and expand its range (including in the Southern Cascades and Northwest Coast recovery region), and ongoing state and federal protections, WDFW proposes to reclassify the wolf to indicate that the wolf does not meet the definition of State Endangered, which requires that the species is "seriously threatened with extinction" (WAC 220-610-110).

WDFW proposes to reclassify the wolf to State Sensitive, "vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats" (WAC 220-610-110). This proposed reclassification reflects the significant progress toward recovery that Washington's wolf population has made since the original state listing in 1980 but recognizes that wolves remain vulnerable in western Washington and should continue to be managed for recovery within the state as a protected species.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.08.010(17, 52), 77.12.020, and 77.12.047.

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.08.010(17, 52), 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:

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

Type of proponent: Private Public Governmental

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

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
Enforcement:	Steve Bear	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2373

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: This proposal does not require a cost benefit analysis under RCW 34.05.328

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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 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 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 19.85.025\(4\)](#) (does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

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

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

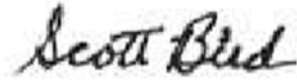
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: February 7, 2024

Name: Scott Bird

Title: WDFW Agency Rules Coordinator

Signature:

A handwritten signature in black ink that reads "Scott Bird". The signature is written in a cursive style with a large, prominent 'S' and 'B'.

AMENDATORY SECTION (Amending WSR 23-24-005, filed 11/27/23, effective 12/28/23)

WAC 220-610-010 Wildlife classified as endangered species.

Endangered species include:

Common Name	Scientific Name
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Pekania pennanti</i>
(gray wolf	<i>Canis lupus</i>)
grizzly bear	<i>Ursus arctos</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
North Pacific right whale	<i>Eubalaena japonica</i>
sperm whale	<i>Physeter macrocephalus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
Columbian sharp-tailed grouse	<i>Tympanuchus phasianellus columbianus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>Charadrius nivosus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>
North American lynx	<i>Lynx canadensis</i>

Common Name	Scientific Name
marbled murrelet	<i>Brachyramphus marmoratus</i>
Loggerhead sea turtle	<i>Caretta caretta</i>
Yellow-billed cuckoo	<i>Coccyzus americanus</i>
Pinto abalone	<i>Haliotis kamtschatkana</i>
Greater sage grouse	<i>Centrocercus urophasianus</i>
Ferruginous hawk	<i>Buteo regalis</i>
Cascade red fox	<i>Vulpes vulpes cascadenis</i>
western gray squirrel	<i>Sciurus griseus</i>

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 23-24-005 (Order 23-09), § 220-610-010, filed 11/27/23, effective 12/28/23. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030. WSR 23-06-035 (Order 22-13), § 220-610-010, filed 2/23/23, effective 3/26/23. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-20-010 (Order 21-196), § 220-610-010, filed 9/23/21, effective 10/24/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-13-032 (Order 21-60), § 220-610-010, filed 6/10/21, effective 7/11/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-07-019 (Order 21-15), § 220-610-010, filed 3/5/21, effective 4/5/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 19-13-013 (Order 18-120), § 220-610-010, filed 6/7/19, effective 7/8/19; WSR 18-17-153 (Order 18-207), § 220-610-010, filed 8/21/18, effective 9/21/18. Statutory Authority: RCW 77.04.012,

77.04.055, 77.12.020, and 77.12.047. WSR 17-20-030 (Order 17-254), § 220-610-010, filed 9/27/17, effective 10/28/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-610-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-02-084 (Order 17-02), § 232-12-014, filed 1/4/17, effective 2/4/17; WSR 16-11-023 (Order 16-84), § 232-12-014, filed 5/6/16, effective 6/6/16; WSR 15-10-022 (Order 14-95), § 232-12-014, filed 4/27/15, effective 5/28/15. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 06-04-066 (Order 06-09), § 232-12-014, filed 1/30/06, effective 3/2/06; WSR 04-11-036 (Order 04-98), § 232-12-014, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-12-014, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-04-017 (Order 00-05), § 232-12-014, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-014, filed 11/6/98, effective 12/7/98; WSR 97-18-019 (Order 97-167), § 232-12-014, filed 8/25/97, effective 9/25/97; WSR 93-21-026 (Order 616), § 232-12-014, filed 10/14/93, effective 11/14/93. Statutory Authority: RCW 77.12.020(6). WSR 88-05-032 (Order 305), § 232-12-014, filed

2/12/88. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-014, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-014, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-014, filed 6/1/81.]

AMENDATORY SECTION (Amending WSR 23-24-005, filed 11/27/23, effective 12/28/23)

WAC 220-200-100 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
sea otter	<i>Enhydra lutris</i>
green sea turtle	<i>Chelonia mydas</i>
Mazama pocket gopher	<i>Thomomys mazama</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</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
American white pelican	<i>Pelecanus erythrorhynchos</i>
Gray whale	<i>Eschrichtius robustus</i>

Common Name	Scientific Name
<u>Gray Wolf</u>	<u><i>Canis lupus</i></u>
Common Loon	<i>Gavia immer</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>
Cascade golden-mantled ground squirrel	<i>Callospermophilus saturatus</i>
golden-mantled ground squirrel	<i>Callospermophilus lateralis</i>
Washington ground squirrel	<i>Uroditellus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
Humboldt's flying squirrel	<i>Glaucomys oregonensis</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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 23-24-005 (Order 23-09), § 220-200-100, filed 11/27/23, effective 12/28/23; WSR 23-12-051 (Order 23-02), § 220-200-100, filed 6/1/23, effective 7/2/23. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030. WSR 23-06-035 (Order 22-13), § 220-200-100, filed 2/23/23, effective 3/26/23. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-20-010 (Order 21-196), § 220-200-100, filed 9/23/21, effective 10/24/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-13-032 (Order 21-60), § 220-200-100, filed 6/10/21, effective 7/11/21. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 18-17-153 (Order 18-207), § 220-200-100, filed 8/21/18, effective 9/21/18. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-20-030 (Order 17-254), § 220-200-100, filed 9/27/17, effective

10/28/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-200-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-02-084 (Order 17-02), § 232-12-011, filed 1/4/17, effective 2/4/17; WSR 15-10-021 (Order 14-95), § 232-12-011, filed 4/27/15, effective 5/28/15. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-03-068 (Order 08-09), § 232-12-011, filed 1/14/08, effective 2/14/08; WSR 06-04-066 (Order 06-09), § 232-12-011, filed 1/30/06, effective 3/2/06. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-12-011, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.047. WSR 02-08-048 (Order 02-53), § 232-12-011, filed 3/29/02, effective 5/1/02; WSR 00-17-106 (Order 00-149), § 232-12-011, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770. WSR 00-10-001 (Order 00-47), § 232-12-011, filed 4/19/00, effective 5/20/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-04-017 (Order 00-05), § 232-12-011, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-011, filed 11/6/98, effective 12/7/98. Statutory Authority: RCW 77.12.040. WSR 98-10-021 (Order 98-71), §

232-12-011, filed 4/22/98, effective 5/23/98. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 232-12-011, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 77.12.020. WSR 97-18-019 (Order 97-167), § 232-12-011, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040, 77.12.020, 77.12.030 and 77.32.220. WSR 97-12-048, § 232-12-011, filed 6/2/97, effective 7/3/97. Statutory Authority: RCW 77.12.020. WSR 93-21-027 (Order 615), § 232-12-011, filed 10/14/93, effective 11/14/93; WSR 90-11-065 (Order 441), § 232-12-011, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 77.12.040. WSR 89-11-061 (Order 392), § 232-12-011, filed 5/18/89; WSR 82-19-026 (Order 192), § 232-12-011, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-011, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-011, filed 6/1/81.]