

WDFW Consideration of SEPA Comments and Decision to Retain DNS 24-004: Potential Change in Classification of the Gray Wolf in Conjunction with Periodic Status Review

Public comments on the SEPA determination can be viewed at <https://publicinput.com/x8064#tab-46012>.

1.0 Introduction. The Washington Department of Fish and Wildlife (WDFW) Wildlife Program recently proposed rule amendments that would reclassify the gray wolf from Endangered status under WAC 220-610-010 to Sensitive status in the state of Washington under WAC 220-200-100 through a Washington Administrative Procedure Act (APA) rule making process for Fish and Wildlife Commission (FWC) consideration. WDFW issued DNS 24-004 (hereinafter referred to as “DNS”) on February 7, 2024, pursuant to WAC 197-11-330 and WAC 197-11-620. WDFW initiated simultaneous APA rule making and SEPA comment periods for the proposed rule changes that ran from February 7 to May 6, 2024. WDFW will respond separately to public comments received in response to the CR-102 and about the substance of the APA proposed rule changes via a “Concise Explanatory Statement” in the event that the FWC votes to approve the proposed WAC amendments.

2.0. General overview of comments. WDFW sought SEPA comments through posting of the SEPA determination DNS 24-004 and supporting documents on its webpage and Ecology’s SEPA Register, direct email notification to tribes and agencies with jurisdiction, and news releases, in accordance with WACs 197-11-510 and 220-600-150. Commenters were advised that comments on the DNS should be limited to the findings in the SEPA determination and any probable adverse impacts to the environment.

The public was also directed in the [CR-102](#) published in the Washington State Register (WSR 22-05-092) to submit written comments applicable to the proposed APA rule change to a specific web portal (<https://publicinput.com/x8064#tab-46011>) and again provided information on submitting SEPA-related comments to a separate SEPA portal (<https://publicinput.com/x8064#tab-46012>). Commenters also had an option to present oral comments on the proposed rule at a public hearing on March 16, 2024.

Despite the distinction between the SEPA process and the APA-governed process pertaining to proposed rule changes, few responders observed this thematic separation in their comments. Commenters typically did not reference any document to which their comments were directed, and WDFW could not determine whether these suggestions were directed at the proposed WAC changes, DNS, or some combination. WDFW has reviewed and considered all comments received regardless of their mode of submission and considered them as they appear to pertain to the proposed rule changes and/or environmental impacts associated with the proposed changes.

In sum, WDFW received over 13,800 submissions during the public comment period. The majority of these submissions (over 12,350) were copies of or slight variations of six form letters (with one of these form letters accounting for over 8,900 submissions). All of the form letters expressed general opposition to the rule changes proposed in the CR-102. The remaining submissions were unique, but most comments were responsive to the [Periodic Status Review for the Gray Wolf \(2024; hereinafter referred to as “PSR”\)](#) (which was available for a 90-day public comment period from

May 18, 2023 through August 16, 2023; those comments are summarized and responses are provided in Appendix B of the PSR) or CR-102 proposal, rather than the DNS.

21 individuals provided oral public testimony at the FWC briefing on March 16, 2024, which was recorded. WDFW subsequently replayed and considered this testimony.

3.0. Decision to retain the DNS. WDFW reviewed and considered all comments received during the open public comment period through the modes of submission described above. Some commenters argue that reclassifying wolves from endangered to sensitive status is likely to have a significant adverse impact on the state wolf population. However, reclassification to state threatened or sensitive status is not anticipated to affect future wolf population projections given the protections afforded under either listing and their close similarity to protections afforded by state endangered status (the current condition/status of wolves). Under state sensitive or threatened status, wolves would be protected from unlawful take under RCW 77.15.130 and protections precluding hunting would remain in place. Wolves would continue to be protected from malicious and intentional harassment. RCW 77.15.130 outlines that threatened and sensitive wildlife shall not be hunted, taken, or harassed. In addition, threatened and sensitive status are sub-categories 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.

WDFW considered all comments, but in this document regarding retention of the DNS, WDFW is only specifically addressing actual changes that result from the rule proposal. There are four minor differences in conservation/management provisions for wolves under state sensitive status compared with state endangered status, and only two differences under state threatened status compared with state endangered status. Those differences are highlighted in Appendix A of the PSR (pg. 43-45). Responses to concerns about the potential for those differences to affect levels of wolf mortality can be found in Appendix B of the PSR (pg. 54-58). None of these differences are anticipated to affect levels of wolf mortality to the point of having a significant adverse impact, e.g. inhibiting continued progress toward wolf recovery and/or driving the population to extirpation in Washington.

Following consideration of all comments received during the open public comment period through the modes of submission described above, WDFW has determined that retention of the DNS is appropriate.