

Concise Explanatory Statement Periodic Status Review

Rules amended as part of this rulemaking:

WAC 232-12-014

Wildlife classified as endangered species

1. Reasons for rulemaking:

The department reviewed all relevant data pertaining to the population status of Brown Pelicans in Washington. The data shows that the number of Brown Pelicans occurring in Washington has increased markedly since the 1980s, likely as a result of increasing abundances of forage fish due to changes in ocean conditions, and perhaps the recovery of the Southern California Bight population. Natural fluctuations in ocean conditions and forage fish abundance have caused changes in pelican numbers in Washington in the past, and will again in the future. While threats such as forage fish declines, ocean warming, toxic algae blooms, and climate change present some uncertainty about the future trend in California Brown Pelican populations, at this time robust numbers (>10,000) still occur seasonally in our state and they are not immediately threatened. Therefore, staff has proposed to amend WAC 232-12-014 to remove the brown pelican from the list of species classified as endangered. However, as a non-game bird, the brown pelican shall remain a protected species under WAC-12-011. This species will also continue to be protected under the federal Migratory Bird Treaty Act.

2. Differences between the text of the proposed rule and the rule as adopted:

Removal of the brown pelican from the list of species classified as endangered due to the increased population and that the species will also continue to be protected under the federal Migratory Bird Treaty Act.

3. Differences between the text of the proposed rule and the rule as adopted:

WAC 232-12-014 Wildlife classified as endangered species

- Change: Struck the brown pelican listing to remove from the wildlife classified as endangered species.

Summary of Public Comments Received during Official Comment Period and WDFW Response for amended rules:

WAC 232-12-014 Wildlife classified as endangered species

WRITTEN PUBLIC INPUT	
COMMENTS	AGENCY RESPONSE
Please keep the Brown Pelican on the endangered species list.	Comment noted. By law (WAC 232-12-297), species listings and delistings by the state must be based solely on the biological status of the species and its continued existence in the state. Although recent breeding failures at colonies in California and Mexico as a result of ocean conditions and forage fish availability creates uncertainty about future population trends, the Brown Pelican still is present seasonally in robust numbers (>10,000), and they do not meet the definitions of endangered, threatened, or sensitive. If the species is delisted, we will review their status again in 5 years as required in the WAC for delisted species.
Seems to me like anytime there is an issue with removing a species from the Endangered Species List, there are folks that spend an exuberant amount of time ensuring that this does not happen, despite the current population or status. If your numbers are accurate, public input is not needed. Remove the bird from the ESL and move on.	By law (WAC 232-12-297), we must allow public comment (90 days on the draft status review, 30 days for SEPA documents and proposed Commission action). However, the listing and delisting decisions must be based “solely on the biological status of the species being considered.”
Very nice post. I just stumbled upon your blog and wished to say that I've truly enjoyed browsing your blog posts. After all I will be subscribing to your feed and I hope you write again soon!	

WRITTEN PUBLIC INPUT

COMMENTS	AGENCY RESPONSE
<p>After reviewing the information that has been set before me on this website and after reviewing the definition of WAC 232-12-297 (4.1) and (4.2) as well as the WAC 232-12-297 (6.1.1), I have found that I must agree about the removal of the Brown Pelican off of the Washington State Endangered Species list. I also feel as though the reason for removing the Brown Pelican off of the list is based solely on research, as it should be, of the population increase of this species over the past couple of decades which in my opinion is sufficient enough reason to remove the species off of the endangered species list.</p>	