

# Concise Explanatory Statement (CES)

## Concise Explanatory Statement for Oregon Vesper Sparrow – Periodic Status Review

### Rules amended as part of this rulemaking:

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

### Rules repealed as part of this rulemaking:

N/A

### Rules created as part of this rulemaking:

N/A

### Background/Summary of Project:

1. The estimated population of Oregon vesper sparrows in Washington is approximately 300 birds, with most (~75%) of them on a single site, Joint Base Lewis-McChord's 91st Division Prairie. There have been several recent local extirpations at sites that supported a few pairs, the remaining sites with a few pairs are at great risk, and there has been no recent establishment of populations at sites with remnant prairie or savannah or with ongoing restoration.
2. The factors of habitat loss and degradation that historically precipitated population declines continue, but populations are now likely affected by demographic and genetic factors related to their small numbers (e.g., isolation of subpopulations, reduced genetic variability, and greater susceptibility to stochastic events). Nest predation has a greater impact in fragmented habitat, and seeds coated with neonicotinoid pesticides may be affecting Washington birds during migration and at wintering sites. Land use and disturbance activities are variable and sometimes intense during the breeding season depending on the site; thus, potentially negatively affecting reproductive success and putting small populations at extreme risk of extirpation.
3. Research recently initiated on limiting factors will provide essential direction for appropriate conservation actions. However, given the extremely small population size in Washington, the majority of that population at one location, the many recent local extirpations or near-extirpations, and a variety of habitat, disturbance, and potentially demographic factors that continue to negatively affect them, it is recommended that Oregon vesper sparrow be classified as an endangered species in Washington.

## Reasons for adopting the rule:

Washington Department of Fish and Wildlife classified the Oregon vesper sparrow as Endangered in the state of Washington under WAC 220-610-010. The reason we adopted the rule is to include the additional regulation and enforcement of wildlife classified as endangered identified in RCW 77.15.120 and initiate work on a recovery plan for the species according to WAC 220-610-110.

## Differences between the text of the proposed rule and the rule as adopted:

None

## Public comments, response to comments, and consideration of comments

A total of twelve comments were received. Seven of the twelve comments were in favor of the proposal with no additional comments.

1. *Livestock grazing should not be allowed in areas where the vesper sparrow is known to inhabit. The priority use of F&W lands should be for the benefit of wildlife not for livestock.*

Roughly ~75% of the current Washington population occurs on JBLM land with no livestock grazing and livestock grazing is not currently permitted on any of the WDFW wildlife areas where the species occurs. Livestock grazing may be incorporated into strategies and recommendations in subsequent recovery plans if warranted.

2. *The proposal is extremely vague. How can one agree with a proposal when the affects an impacts to other activities and entities is unknown?*

An Oregon Vesper Sparrow classification as endangered wildlife makes it illegal to hunt for, possesses, maliciously harasses, or kill, or possesses or intentionally destroys the nests or eggs of Oregon Vesper Sparrow according to RCW 77.15.120. Additional consideration and recommendations may be incorporated into future recovery and management plans written for or relevant to Oregon Vesper Sparrow including any necessary public input and decision-making from the Fish and Wildlife Commission.

3. Two comments signed in with opposition referring to the use of agency funds and priority of this work.  
This work is funded through a combination of personalized license plate dollars, and federal state wildlife grant dollars both of which are intended to be used towards nongame species and Species of Greatest Conservation Need conservation, recovery, and management. WDFW has statutory responsibility to preserve, protect, and perpetuate all wildlife.
4. There was a comment relating to fishing that was not applicable to this rule and outside of the scope. WDFW has a statutory responsibility to preserve, protect, and perpetuate all wildlife.