

Regional Listing/Delisting of Wolves

Commission Blue Sheet Request—Briefing

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Blue Sheet Request

- March 2012
- “Analysis of T&E WAC changes that would be needed for the Commission to consider regional listing/delisting of wolves.”

Outline of Today's Briefing

- Legal Status
- Statutory and WAC overview
- Options to Allow Regional Listing/Delisting
 - Factors to Consider



Legal Status

Legal Status

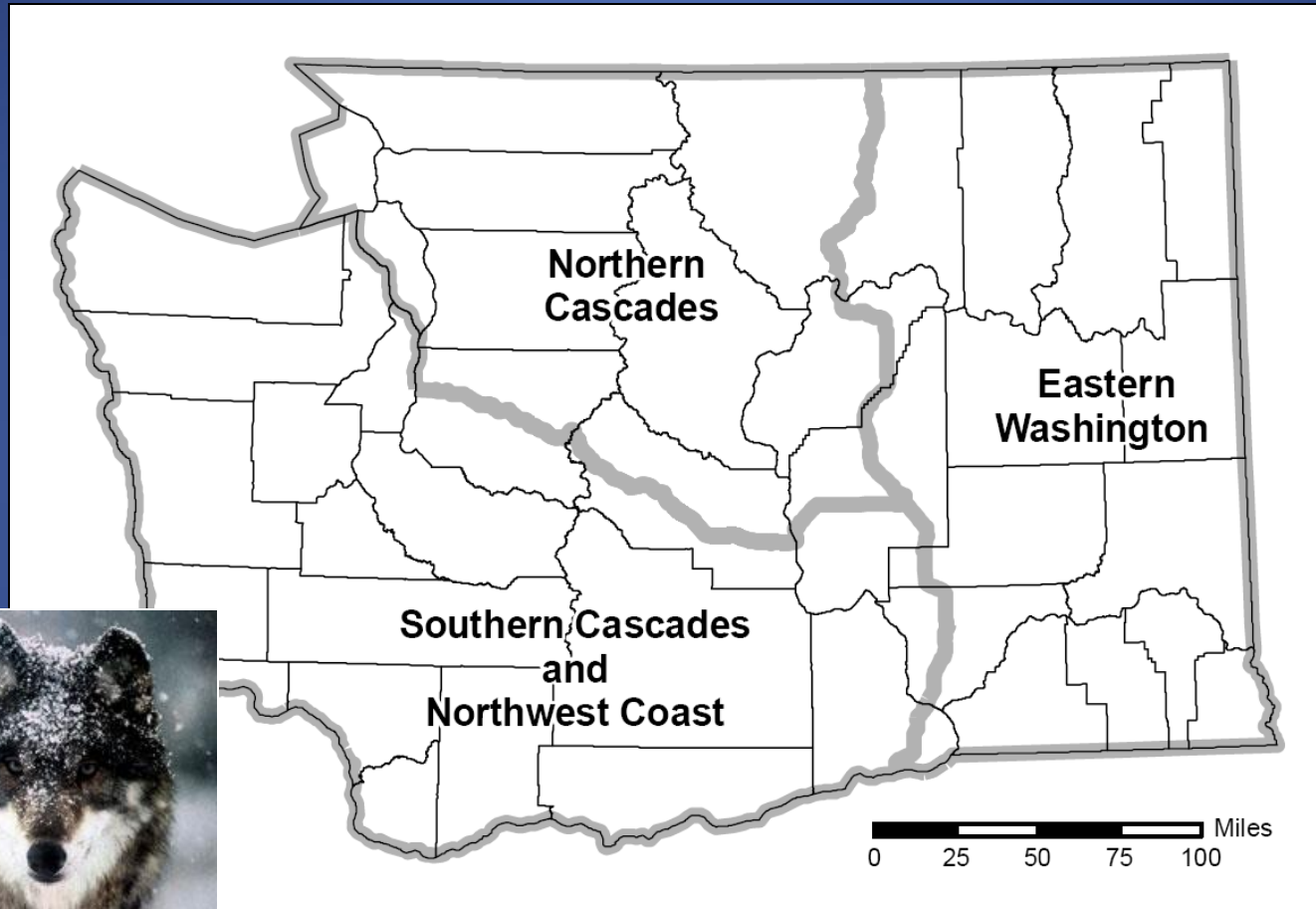


- Federal listed 1974
- State listed 1980
- Entity: Gray wolf (*Canis lupus*)

Federal Status



State Status - Endangered



Statutory and WAC Overview

RCWs, WACs & Policies

- RCW 77.12.020 (authority to classify)
- WACs
 - 232-12-097 (Listing Procedures)
 - 232-12-014 (Endangered)
 - 232-12-011 (Protected: T & S)
- Candidate species (Policy 5301)

RCW 77.12.020

- (5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.
- (6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

WAC 232-12-097

- Developed in 1989 with large stakeholder process
 - Industry
 - Conservation NGOs
 - Federal, State, Local Governments
 - Tribes
- Commission adopted in 1990

Stakeholders

Boise Cascade Corporation
Private interested citizens
Defenders of Wildlife
King CO Outdoor Sports Council
National Audubon Society
State Parks & Recreation
The Nature Conservancy
Tulalip Tribe
US Fish & Wildlife Service
US Forest Service
USDA Animal Damage Control
WA Forest Protection Association

WA Dairy Federation
WA Cattlemen's Association
WA Association of Counties
WA Association of Realtors
WA Department of Ecology
WA Dept of Natural Resources
WA Environmental Council
WA State Grange
WA State Sports Council
WA State Farm Bureau
WA Woolgrowers Association
Weyerhaeuser Company

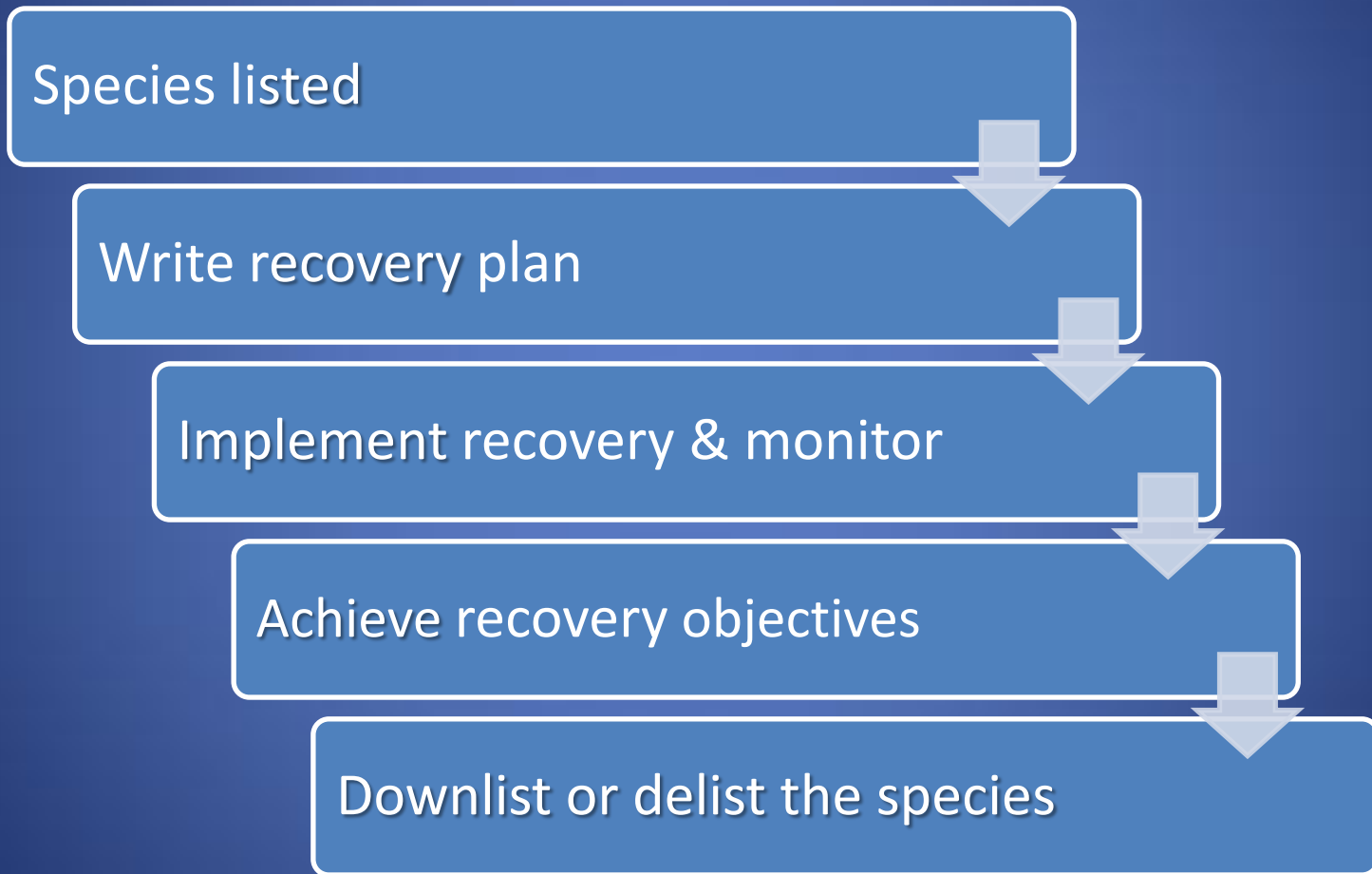
WAC 232-12-097

- 1.1 Purpose
 - Identify and classify native wildlife that need protection and/or management to ensure their survival as free-ranging populations in Washington
 - Define the process by which listing, management, recovery, and delisting can be achieved
 - Ensure consistent procedures and criteria are followed when classifying wildlife

Definitions

- Species:
 - Any group of animals classified as a species or subspecies as commonly accepted by the scientific community
- Significant Portion of its Range:
 - That portion of a species' range likely to be essential to the long term survival of the population in Washington.

Procedures for Listing - Recovery - Delisting



Section 4 - Delisting Criteria

- Solely on the biological status of the species being considered, based on the preponderance of scientific data available
- Only when:
 - Population no longer in danger of failing, declining, or are no longer vulnerable
 - Recovery plan goals have been met
 - No longer meets the definition of E, T, or S

Summary of De-Listing/Down-Listing Process

- The process takes about 1-1.5 years, depending on complexity and peer/public input:

Steps

- Initiation and public notification
- Preparation of draft status report (including internal and scientific peer review) – 6-9 months
- Public Review - 3 months*
- Preparation of Final Status Report and SEPA – 2-3 months
- Public Review of Final Status Report & SEPA - 1 month*
- Commission Presentation and Action - 2 months (1st to present, 2nd to take action)

Options to Allow Regional Listing/Delisting

Option #1: Amend WAC 232-12-297

- Sub-Options:
 - Allow regional listing/delisting for all species
 - Allow regional listing/delisting for large carnivores
 - Allow regional listing/delisting for gray wolves
 - Exempt wolves from this WAC
- Mechanically:
 - Need to modify multiple sections of the WAC
 - Define term “region/regional”—consider biological significance of a regional unit (as opposed to species/subspecies) and SPR

Option #1: Amend WAC 232-12-297

- Factors to Consider:
 - Amending WAC will require EIS and significant public process (scoping mtgs; public hearings)
 - Time/\$\$\$
 - Precedence for other species
 - Legal Consideration
 - Have to build a basis, and if not scientific basis, then explain how the action wasn't Arbitrary
 - Scope of WAC change—if more narrow, likely more vulnerable
 - Perhaps modify WAC requirement to also allow social and economic factors as considerations, along with biological basis
 - Modify recovery plan (possibly draft a second plan, or 2 new plans) and SEIS (or EIS, as appropriate); 2 delisting processes (Status review/EIS)
 - Consider application of significant portion of its range
 - Biological persistence and regional connectivity
 - Time/\$\$\$

Option #1: Amend WAC 232-12-297

- Factors to Consider: (continued)
 - Inconsistent messaging with USFWS
 - DPS review—Anderson letter to Ashe (March 2011)
 - Consider having a recovery plan in place when they are considering “adequate regulatory mechanism” and Section 4(d)
 - Post-Delisting Management: Hunting
 - WAC Change to Game Species (manage time/place/manner, but with no additional tag fee)
 - RCW Change to Big Game (in order to be able to charge for a tag)
 - Post-delisting management plan(s)/EIS

Option #2:

Create a separate T&E WAC for wolves

- Amend WAC 232-12-297 to exempt wolves
- Create a new T&E WAC that allows regional listing/delisting of wolves
- Need to define terms “region/regional.”

Option #2:

Separate T&E WAC for Wolves

- Factors to Consider:
 - Existing WAC change and new WAC will require EIS and significant public process (scoping mtgs; public hearings)
 - Time/\$\$\$
 - Precedence for other species
 - Legal Consideration
 - Have to build a basis, and if not scientific basis, then explain how the action wasn't Arbitrary
 - Once WAC change is final, modify recovery plan (possibly draft a second plan, or 2 new plans) and SEIS (or EIS, as appropriate); 2 delisting processes
 - Consider application of significant portion of its range
 - Biological persistence and regional connectivity
 - Time/\$\$\$

Option #2: Separate T&E WAC for Wolves

- Factors to Consider: (continued)
 - Inconsistent messaging with USFWS
 - DPS review
 - Consider having a recovery plan in place when they are considering “adequate regulatory mechanism”
 - Post-Delisting Management: Hunting
 - WAC Change to Game Species (manage time/place/manner, but with no additional tag fee)
 - RCW Change to Big Game (in order to be able to charge for a tag)
 - Post-delisting management plan(s)/EIS

Option #3:

List/Delist gray wolves by sub-species

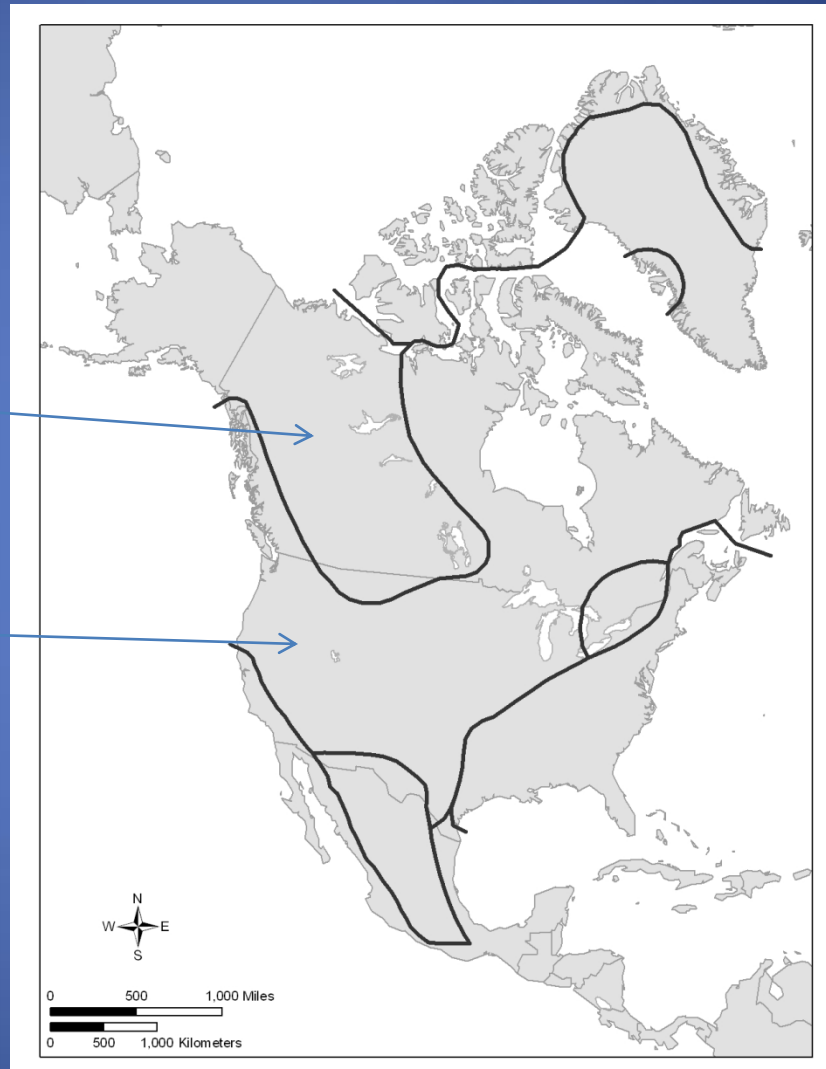
- Current WAC 232-12-097 allows this to occur
- WDFW has the listed entity as species: *Canis lupus*
- Status of sub-species designations is under review in scientific community

Option #3

Adopted from Nowak
2002 (Chambers et al.
2011)

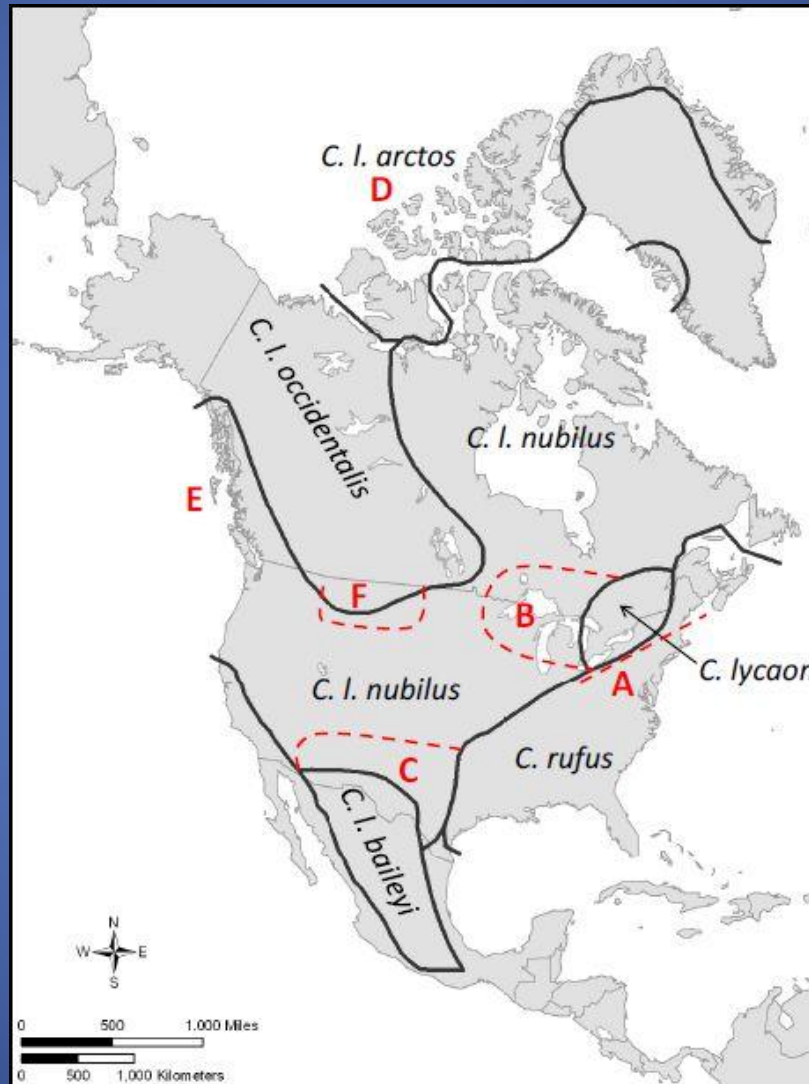
Canis lupus occidentalis

Canis lupus nubilus



Option #3

Adopted from
Chambers et al 2011



Option #3:

List/Delist by sub-species

- Factors to Consider:
 - Status Review/EIS to determine if there are 2 sub-species and its status designations
 - Significant portion of the range—for each subspecies
 - Biological persistence
 - Recovery plans/EIS for each sub-species, if listed as E,T,S
 - Inconsistent message to USFWS
 - Legal Consideration
 - Post-Delisting Management Plans/EIS

Questions and Discussion