

Wildlife Diversity Advisory Council

Meeting Agenda

Tuesday, June 8, 2021; [9:00 AM–11:30 PM](#); [1:00-3:00 PM](#)

Review Materials: March 2021 Minutes (*Action Item*)
 WDFW Policy 3005: Providing a Respectful Work Environment (*Attached*)
 WDFW Policy 3015: Diversity, Equity, and Inclusion (DEI) (*Attached*)
[Advisory Group Handbook](#) (*Updated*)
[WAC 220-610-110](#)

TIME	SUBJECT	TOPIC LEAD/SPEAKER
8:45	Virtual room open – informal discussions	
9:00	Welcome and Review Agenda Decision: review and approval of March minutes	Wildermuth
9:15	WDFW Updates: <ul style="list-style-type: none"> • Intro new WDFW staff: Tom O'Brien, Ecosystems Services Division Manager, Habitat Program • Review new Policies 	O'Brien Anderson
9:40	Council Administration <ul style="list-style-type: none"> • Review new Advisory Group Handbook • WDAC membership, recruitment, vice-chair nominations • Meeting planning/scheduling, survey results 	Anderson Wildermuth
10:20	Break	
10:30	Recovering America's Wildlife Act; H.R.2773	Meagan West, WDFW Federal Liaison
10:50	State Legislature <ul style="list-style-type: none"> • Brief summary of BN21-23 outcomes • Supplemental request potentials 	Anderson, Huff, WDAC members
11:10	Subcommittee Report-outs <ul style="list-style-type: none"> • Species of Conservation Concern • Wildlife Area Planning • Urban Outreach 	Whittaker DeSilvis, Lehmkuhl Cotten
11:30	Adjourn Morning Session	
LUNCH BREAK		
1:00	Chair Initiative – annual objective setting, hot topics	Wildermuth
1:30	Workshop: Considering review and recommendations for revisions to Endangered, Threatened, and Sensitive Wildlife Species Classifications (WAC 220-610-110)	Cotten
2:30	Listing messaging: sharing internal talking points	Connally
2:45	Wrap-up; next steps	Wildermuth
3:00	Adjourn Afternoon Session	

2021 Committee Assignments

Members	Species of Conservation Concern	Wildlife Area Planning	Urban Outreach
Trina Bayard			
Shawn Cleveland	***		
Whitney DalBalcon			***
Denis DeSilvis	***	Co-Chair (W)	***
Jeff Kozma		***	
Robb Krehbiel			Chair
Anne Kroeker		***	***
Nancy Lee	***		
John Lehmkuhl		Co-Chair (E)	
Edward Lisowski		***	
Doug Pineo		***	
David Ross			
Anne Van Sweringen	***		
Dave Wertz	***		
Kevin White	***	***	
Kara Whittaker	Chair		
Todd Wildermuth	***		
Staff Support	T. Cotten/ W. Connally	J. Gorrell	T. Cotten

Wildlife Diversity Advisory Committee Meeting Notes

8 June 2021 * virtual via Teams 9:00 to 11:30 AM and 1:00 to 3:00 PM

Attending Todd Wildermuth (Chair), Kara Whittaker, Dave Werntz, Anne Van Sweringen, Ed Lisowski, John Lehmkuhl, Nancy Lee, Anne Kroeker, Jeff Kozma, Denis DeSilvis, Trina Bayard

Absent Kevin White, David Ross, Doug Pineo, Whitney DalBalcon, Shawn Cleveland, Robb Krehbiel (no longer on committee)

WDFW Support Hannah Anderson, Tom O'Brien, Mary Huff, Taylor Cotten, Janet Gorrell, Wendy Connally (notes)

In these notes, except where formal motions are made, attendee initials are used for brevity. No members of the public appeared to participate online in this public meeting.

March Minutes

Action: JK send TW notes to amend minutes with his comment on insignificant regulatory impact from listing; TW amend attendance table for spelling (Kara Whittaker); KW provide TW language to amend the Ferruginous Hawk bullet related to the communication to the Fish and Wildlife Commission (FWC).

Accept March 2021 minutes as amended. Jeff Kozma moved to accept, Anne Kroeker second; minutes adopted with the proposed amendments.

Review Agenda. Slight change - not taking full half hour for 1:00 item.

WDFW Updates (Hannah)

Introducing Tom O'Brien – new Ecosystems Services Division Manager, Habitat Program

Co-responsible for WDAC work; long natural resources career in state government and nonprofit cooperative watershed conservation (Oregon, New York, New Hampshire) last few years. Much to learn, wishes to add value soon and often as he gets to know the work and people. With us until 2 PM today.

Review New Policies (attachments)

Timely, appropriate, and reflect agency priorities

POL 3005 Respectful Work Environment (new, complementary)

Eric Gardner is the Wildlife Program Appointing Authority.

New definitions to help us communicate effectively; note under this, WDAC members are "Employee." **Micro-aggression/slights** and **Respect** definitions are new, and the principles of this policy are *additive* to our other anti-harassment policies.

Policy Statement with responsibility is a key feature. The policy provides a guide for personal and cultural behavior, support, accountability, reporting, response, and analytics to determine if/how we can improve.

Comments/Questions

- Does "workplace" include electronic environment (AK)? Yes.
- Are other state agencies doing same (AVS)? Governor and the state recently instituted a new state Office of Equity, with a new director Dr. Karen Johnson <https://www.governor.wa.gov/news-media/inslee-names-karen-johnson-phd-director-new-state-office-equity>
- Why is this policy coming up now (AK)? JG responds - about 5 years ago, WDFW had several issues and the Diversity Advisory Council was formed to help identify and demonstrate value we have in each other. Our

movement toward DEI was the seed for this policy; Marvin Williams who has spoken to this group was also a good catalyst for this work.

Action: HA find out about other state agencies efforts and report back

POL 3015 DEI Policy (new, complementary)

Includes new definition for **Bias, Equity, and Inclusion** and this policy is a companion to the new Respectful policy and our standing anti-harassment policies.

Note: “those who reside in Washington” – inclusive

Active, accountable, role-modeling engagement across all employees with intent to remove barriers, recognize and remove bias, reporting, response, and analytics.

Comments/Questions

- KW: powerful, comprehensive
- TW: how can members of this committee activate this if we need to; if anyone in this group feels that elements in these policies are activated, what avenues should they take? The avenue would be Hannah or Tom O’Brien, or any manager with agency in this group, or anyone in Human Resources.

At this time, the “Red Flag Reporting” is not yet fully available volunteers (TW clicked the link and can get to the landing page; Hannah asked Marvin over the break and he indicated that the tool is not fully functional for external use).

Council Administration

Advisory Group Handbook

Recently updated https://wdfw.wa.gov/sites/default/files/about/advisory/WDFW_advisory_group_handbook.pdf

We encourage everyone to be familiar with this content. The new 9-page document includes WDFW staff roles and responsibilities; **Advisory Council expectations**; WDFW Values (ASPIRE); key laws, records, and rules; and a keenness for inclusivity.

Comments/Questions

NL: In our representation in public comment opportunities, how can we clarify our participation – individuals v. this committee. HA guided that if individuals are commenting outside of a product that the WDAC creates and delivers, the individual can mention that they are in the WDAC, informed by their participation, and are not “representing” the WDAC without the full committee’s agreement.

TW: it’s important to clarify how and who you are representing, speaking for, speaking on behalf of

WDAC membership, recruitment

Robb Krehbiel has stepped down. WDAC has an *opportunity* but not an obligation to fill the open spot. And, while David Ross has not attended several meetings (difficult for him to do during the work week), he is not a confirmed vacancy. Some (all?!) committee terms expire June 2022. Ideally, it’s good to have sequential turn over, not a completely new committee at one time.

Comments/Questions

TW: WDAC could recruit to fill Robb’s vacancy, as interim or perhaps beyond the end of the vacated term.

KW: as we explore whether David has left the committee, we should be able to tell David whether there will be weekend meetings or not before that contact; that (*next section*) could inform David’s decision to participate.

JL commented that the agency needs to be clear about when it's appropriate for other WDAC members to recruit outside applicants for vacant positions. If the Director posts a recruitment and existing members recruit for others to participate, the committee and agency need to commit to communicate with interested parties, whether they are selected or not.

TC noted that we have also been deliberate and tried to recruit specific voices or representation from specific audiences for vacancies. This would be a good topic to discuss before the next recruitment.

Action: TW will contact David to see if he is on/off committee.

Action: HA will provide options for filling Robb's vacancy – if interim, can that person be invited to stay for the next full term?

Meeting planning/scheduling, survey results

Poll results. 21 folks were polled, 11 responses. Not extensive comments, with a pretty clear vote for status quo. Quarterly meetings will be the pattern moving forward (number of meetings: 4 is the right amount of meetings, one person said too many).

Monday – Friday meetings still favored, and a few are open to weekend meetings. It was noted that we may have lost a strong, contributing member (David Ross) and are not *inclusive* of working people who can't claim this as part of their work when we switched away from weekend meetings. **We need to evaluate as a group how to be inclusive to balance all volunteers' participation.**

Meetings in person: 9/10 interested in at least one in person meetings if health guidance allows. Not an option right now; when it becomes an opportunity, we will check back in with everyone and determine what guidance we need to follow. WDFW staff have limited in-person meetings following strict Standards of Procedure (SOP). We are seeing more participation online, so that is a consideration.

September meeting is the only one scheduled at this point; TW would like to evaluate/discuss further as more options become available to travel and meet in person.

There was quite a bit of discussion about hybrid (online and in-person) options.

Comments/Questions

AK: Electronically connected different from physical connection, which requires more coordination, travel, and accommodation (time, vehicle, distance).

JL: Useful to have at least one meeting on the weekend to develop personal relationships, connection and understanding; good for including people who still have to work. We are losing voices from a segment of the population.

TW: Perhaps a hybrid strategy - two on weekdays, two on weekends; once allowed, at least one meeting in person, with an option for online participation and engagement that encourages an online participant to feel like they are there in person (placing computers in chairs interspersed with people so they have a "presence").

NL: Worth asking if we would lose people moving to the weekends? The survey indicated a strong preference for the weekdays.

TB: Variety of ways we organize our lives, family and work means we need creative and hybrid solutions; need space for family and rest, recharging. Travel + 8-hour meeting on Saturday can be stressful in different ways.

Tom O'Brien: lot of options, hybrid scenarios – in person and online options, good to consider

Comment – IF we do have a meeting in person, can we NOT do it in Olympia?

Response – as a group, we'll need to evaluate where to host/hold meeting.

Action: TW will work with HA to send meeting schedulers for quarterly intervals after September

Vice Chair Nominations

This item was taken out of order near the end of the meeting, and is captured here with Committee business.

Anne Kroeker nominated Jeff Kozma; JK declined.

Action: TW will coordinate the WDAC Vice Chair nominations digitally.

Action: Taylor Cotten will provide warm gooey chocolate chip cookies to everyone at the next meeting – ha ha - just checking to see if you all actually read these notes 😊

Recovering America's Wildlife Act (Meagan West, WDFW Federal Policy Coordinator/Liaison)

Meagan is WDFW's liaison with Congress, Tribal Commissions, etc.

Active Links: [Recovering America's Wildlife Act](#); [H.R.2773](#)

Action: Meagan will provide the latest version of the 'handout' to HA to distribute to this group.

Latest (third) version introduced at the end of April; some things have changed:

- Natural Resources Committee influenced change to fund \$1.3B from "from the Treasury" rather than on/offshore energy development
- Tribal biases addressed and now includes competitive \$97.5M for proactive conservation
- Funding formula changes: allocations were originally by 50% land + 50% population; now changed to all funds under Pittman-Robertson subaccount, with that formula: 25% land, 25% population, 50% federally listed species in the state. Washington could see an increase given the salmonid listings.
- Plants (vulnerable and listed) conservation now included; if the state includes plants in the SWAP and directs conservation, then 5% boost to the bottom line of the state's funding.
- 10% allotment for state competitive grants

Washington may see more than \$20M for conservation, driven by the SWAP.

4 co-sponsors on this bill, slowly getting sign-ons with this revision. Tribal Commission, NW Indian Fish Commission and WDFW are educating to get sign-ons. Currently stand alone bill, may be attached to transportation or infrastructure bill. Ideally, we end up with RAWA's long-term funding **dedicated**, without going back for appropriations every year like we currently do with State Wildlife Grants.

Comments/Questions

DW: this effort is seen to be proactive and promote recovery, to avoid listing in the first place; it is not about listed species or tied to ESA only (only 15% to threatened and endangered species). The reason RAWA is tied to SWAPs is that the state's efforts to keep common species common has been overall successful, \$1.3 B has been consistent over last three versions.

TB: Audubon WA has been working with Audubon DC to get congressional support. Adam Maxwell would be good connection with Meagan.

TW: Chanting good 😊 Woo hoo!

State Legislature (Hannah, Mary, WDAC)

Brief summary of BN21-23 outcomes

Good session for WDFW. None of the line item cuts or furloughs were requested; we came out with new work and the budget fills some of our holes.

- **Personalized License Plates (PLP)** – authority to spend was outstripping the revenue, we were eating into the reserve, so we asked for General Fund (\$500K/year) and we received that (\$1M/biennium). It was awarded through license sales and internally we will internally ensure that the backfill fits the purpose with the right “color of money.”
- **Shrubsteppe Proviso** – passed \$2.35 M of ongoing funds (!!!) every biennium + \$1.5 M of one-time support; habitat restoration and other on-the-ground actions immediately, then a longer term stakeholder-developed strategy for wildfire preparedness, response and restoration with habitat conservation purpose. Janet Gorrell and Hannah Anderson will be hiring a person to help implement early success in getting habitat restoration actions on the ground and will be hiring a facilitator who will be the best point of contact for the stakeholder efforts. <https://www.conservationnw.org/wp-content/uploads/2021/01/WDFW-shrubsteppe-proviso-fact-sheet-final-2021.pdf>
- **Commercial Whale-watching rules** – suspended license fees for two years
- **Pollinator Task Force** – recommendations went through and implementation plan will be developed
- **Payment in Lieu of Taxes** – passed, now the Treasury pays this for all agencies; not just coming out of WDFW
- **DNR Wildfire Response** – passed

Future Work and Good Groundwork (Mary Huff, WDFW Land Use Conservation and Policy Section Manager). GMA Climate Change Bill HB 1099 did not pass but a proviso was passed to start that work this year and a new bill should come up next year without a loss in momentum. Mary posted these elements in the chat:

(c) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies subject to the following provisions:

(i) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting natural areas resilient to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(ii) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns;

(iii) The model element must recognize and promote as many cobenefits of climate resilience as possible, such as salmon recovery, ecosystem services, and supporting treaty rights; and

Lynn Helbrecht WDFW Climate Change Coordinator recommended making the existing good information accessible and useful for local governments; model guidance that local governments COULD use to start thinking about resiliency

HB 1117 Net Ecological Gain Salmon Recovery Bill did not pass, although well-rounded support including Association of Washington Cities (AWC) and Washington State Association of Counties (WSAC) and stakeholders; WDFW requested staff capacity in Ecosystem Services and staff in the regions to provide technical guidance to local governments when they update their local ordinances and plans.

Growth Management Act has elements of environmental protection for people’s needs; **two new positions that Habitat Program will hire will help repackage available information for GMA to more fully address species, habitats**

and ecosystem conservation. A lot of this information will be built into the agency's PHS (Priority Habitats and Species) system eventually.

Supplemental potential requests. These occur in the short session, off-year. The agency considers several filters, including urgent or emerging needs that we could not have foreseen, unfunded mandates [capacity or funding consequences from previous session(s)]; Commission will hear supplemental requests and make a decision on these and several others:

- Addressing increased water access site maintenance, wildlife area managers, addressing increased land use issues (WDFW and State Parks)
- Solar response support – increase our ability to respond to increasing pressure for solar development
- Cultural resources review support – we have a bottleneck and desperately need help to coordinate appropriately on project reviews and tribal coordination

TB provided a few other highlights from the legislation session:

- climate: passage of clean energy standard
- environmental justice: HEAL act
- Coastal conservation: full funding for state conservation/restoration programs: ESRP, PSAR, WWRP, legislation to promote green shoreline alternatives when replacing shoreline armoring
- Shrub-steppe: funding for least-conflict stakeholder process for solar siting.

Comments/Questions

TW: GMA model vs. required elements? Oregon has a statewide model that steps further into to local levels; WA has a different approach. When an element is required (like Critical Areas Ordinances), the local government makes the decisions about how this is framed/applied. Commerce provides guidance documents and CAO may be the only “environmental” model element in GMA? It's not a required element

Local governments have a LOT of responsibilities under GMA and are chronically underfunded to deliver on them, so they would like the state to proceed with caution around new GMA requirements without funding to support those requirements.

HB1099, climate change was going to be added as a new element, and there was support for many of the pieces of that. Ultimately, local government representative organizations were not opposed, but were more comfortable with the voluntary approach.

Subcommittee Report-outs

Species of Conservation Concern – Kara Whittaker

FWC met late April and made decisions consistent with staff and WDAC recommendations: sage-grouse up-listed, whales maintained as sensitive; sent letter to FWC on April 7th re Ferruginous Hawk Periodic Status Review (PSR) recommending/supporting up-listing to endangered (Denis wrote).

Note. TC indicated delays in paperwork process for **Ferruginous Hawk: moved date to August for larger Commission meeting.**

WDAC subcommittee met yesterday for Jessica Stocking's presentation on the Stellar Sea Lion – update, sub species delisted, recommendation will remain protected even though delisted.

AVS and TW commended Kara and Dennis for their ongoing commitment to write great letters! Champs!

Wildlife Area Planning – Denis DeSilvis, John Lehmkuhl

Denis and John reported that they have not received messaging from WDFW staff to engage on any particular plan. Janet Gorrell showed a quick map of Wildlife Area plans that may be on deck for this coming year:

- South Puget Sound - public review coming)
- Skagit (planning put on hold while we assessed estuary restoration with the public)
- Methow getting started and will pilot an approach for recreation planning
- LT Murray well into plan development internally, then will go into public review
- Cowlitz will be starting in the next fiscal year

Action (Janet Gorrell): Recreation Strategy update for subcommittee meeting; and will ask staff (Lauri, Patricia) to check to be sure they're on the list / send regular updates for Denis and John L; also, are any eastern WA wildlife areas in the queue (Columbia Basin, Sagebrush Flats?)

Comm. Fred Koontz requested a bluesheet on grazing to review with the FWC Wildlife Committee will review this in late June. John L requested that this subcommittee be able to review the blue sheet, if those are available to the public. The WDFW Grazing Policy was reviewed by this committee in previous meeting and policy review is a good place for this group to engage with staff, FWC, and Director.

Action (Janet Gorrell) will follow up with Cynthia to see if bluesheets are available. Also WDFW advise the WDAC what the best avenue is for an individual to take around specific management concerns.

Discussion/Questions

AK: How are Wildlife Area advisory groups engaged and how does that fit with public review? WDAC subcommittee members are now in the system for regular stakeholder updates. Certain topics may merit the full WDAC attention, or at least subcommittee outreach to the full committee for input prior to response.

JL: has not received any announcements through the Lands group and has received most of his notifications through public notices; waiting to get announcements so they can review. How about Columbia Basin/Sagebrush Flats ...?

TB: If concerned about area management, what's the best avenue for this committee to engage on those things? Janet recommended proactive outreach to wildlife area manager.

JL recommended that WDAC could address overall policies through the management plan review. TW recommended that WDAC could advise on broad-scale issues that systematically affect management across a number of wildlife areas rather than just one wildlife area.

Urban Outreach

(this topic was presented at 1:00 PM after the break)

The Watchable Wildlife funding grant is now live <https://wdfw.wa.gov/get-involved/watchable-wildlife-grants> with applications accepted now through July 25th. Emphasis is on under-represented and new audiences, getting new people engaged in wildlife viewing. This is our first time to do this, so this will be a learning experience.

Alex Biswas and Matthew Trendera have been working on a unique outreach tool: WDFW-branded beer, to support wildlife areas and watchable wildlife viewing.

Robb Krehbiel was head of subcommittee and no longer with WDAC. Whitney, Denis, and Anne Kroeker are also on the committee.

Discussion/Questions

TW: Options? Dissolve the committee (what's the work?), seek new objectives, add to existing committee?

AK said maybe this is ad hoc, and/or if there's work this could continue? Denis recommended ad hoc for this particular committee with specific ask if those come up in the future.

JK Subcommittees are intended to be helpful

No motion before the whole. Subcommittee remains intact as-is, with no replacement for chair and WDAC requested that Taylor reach out to the remainder subcommittee as needed with specific work and/or discuss with the new slate of members when that occurs.

Chair Initiative Introduction - Todd

A project with a written product could give purpose for a specific topic that WDFW needs this group to address. TW runs a regulatory clinic at the University of Washington, and regulation change is a law-making procedure. WDAC is smart and has some WAC review exposure/experience. The WAC related to the listing process has been around for 30 years (6/15/1990) and an evaluation of its effectiveness and utility could be informed by what we've done with it to date; does the WAC need to change? Over the next year, this committee could review with staff, produce advice to the agency and the Director for improvement.

Workshop: WAC 220-610-110 - Taylor

Attachment: PDF of TC's presentation (he emailed at 4:24 PM on 8 June); see also [WAC 220-610-110](#)

Diversity is considering reviewing rules guiding species listing, status changes, status definitions. Could benefit from WDAC support. Scope would include review of the WAC defined steps, status definitions, and PSR timelines and process. Scope would not cover recommendations for new authority or species regulation, or RCW. 30 years of experience influences our understanding, implementation, and process. Inefficiencies, inconsistencies, and redundancies could be reviewed by this committee and information out of that review can inform change.

WDFW mandate and authority (RCW 77.04.012 and ... insert); classification and status WAC 220-610-110.

Definitions – open to interpretation, could be tightened up a little bit, less subjective; significant portion of its range; "other protected" wildlife WAC 200.220.100 (no process or guidance to manage that list; example Douglas Squirrel and Washington ground squirrel are protected wildlife)

Listing and Delisting Criteria – available scientific data, if federally listed then we WILL recommend listing on the state list; delisting criteria ...

Listing and Delisting Process – how does this contribute to effective management, engagement, and is it redundant with other rulemaking?

PSRs, Recovery Plans, Management Plans – review timelines, notification, plan definitions, compliance; what is the capacity, need, and opportunity to feed conservation in this process?

Strengths – FWC interaction, Diversity presence and nongame awareness; more engagement with partners; spotlight on imperiled species; this WAC is the Diversity Division structural foundation.

Challenges – cumbersome (1 year data call to interested parties); redundant; federal alignment or recovery plan deference if appropriate (i.e. SRKW, MAMU, Griz, SPOW, SHLA); does not allow fine-scale listing decisions like DPS or account for extirpations/extinctions; WAC-required timelines prioritize our time in monitoring across the board uniformly rather than being able to focus on recovery actions if we don't need the monitoring (we may have enough information to understand status); subjectivity in classification (endangered, threatened, sensitive).

Out of scope – changing/enhancing regulatory authority.

In scope – classification and the process by which WDFW evaluates species status *within* our authority.

Comments/Questions

TB: Review and assessment – will it include the population biology aspect of these decisions? Perhaps - in the definitions, moving species on/off list, and what could go into recovery planning. Concepts are part of the subjectivity (declining, vulnerable, viable, ...) – some of the flexibility is good, some of it draws questions. Recommendation with that specific expertise should be involved in assessment.

TW: In favor. Recommendation – could be as general as the agency should embark on this review, or as specific as expertise that should be engaged, or something entirely separate such as recommending the agency produce a guidance document that supports WAC for agency clarity.

JL: In favor. Committee may be limited but this would be a useful contribution to the Department.

DDS: In favor. Commission seems to not fully understand the listing process and seems to focus more on the post-listing impact. Direct language and clear direction in the WAC could be more helpful to reduce interpretation and improve utility.

NL: Worthwhile endeavor for the agency; would hope that we could take the opportunity to clearly state that up-listing would “mean something,” strengthen. The overview was very helpful.

TW: Agencies may only operate within the authority granted to them by the Legislature (RCW), what WDFW can do when something is listed. While we can't inform the authority in this forum, this task could facilitate what things the agency could do next.

KW: This is needed. Could be analogous to the Forest Practices Board working group to evaluate and revise the Marbled Murrelet habitat definition; need to be aware of the scale (policy, not data analysis), well-defined scope, and process.

HA: If we do make recommendations, WDFW will bring that through appropriate rule processes and would go before FWC for public engagement and decision. That will likely open the conversation and/or direct attention toward the standards and thresholds for protection.

TB/KW: The first step into the public view is influential. Advancing as a group some level of specific recommendation to the Director is very important; then, if the agency would like to move that forward, then it will go through all of the stakeholder processes of rulemaking. If WDAC sees changes that could be good, this committee has the opportunity to craft something valuable.

TW posed the question: would this be a good thing to put the WDAC energy into; would written product be a good way to organize activities.

JK: in favor of the topic/task and could be an opening with the agency to change the RCW and improve protective measures.

TB: in favor; modifications that could allow WDFW to direct more time toward conservation action; smart to focus in-scope; opportunity to look at the big picture of effective monitoring and recovery actions, communication for integrated Department species and habitat management; good to contribute to bigger picture conversations and this is a tangible contribution.

Action (Todd W) WDAC approach this as a group/the whole, with Todd's facilitation; Todd can work with staff to scope/outline an approach, structure and come back to the group.

AVS in favor; are there dates we need to be aware of? No timeline.

JK in favor; whole group participation to create better product; guiding policy and excited

AK in favor; with outline of the work, like strategic plan work, and some work between meetings

[Listing Message: Internal Talking Points \(Wendy\)](#)

In March, we heard from you how we could better message state-listing species. As a first step, we pulled from all of your great suggestions and created some internal talking points to support our WDFW team members

conversations with the public, landowners, conservation partners, and local governments of state listing. With this, we were only going to be able to skip a rock across the topic. Some external messaging will need to be more audience-specific and some questions especially around federal tools and status will still need referral to appropriate staff for a deeper dive.

We drafted a short 2-pager that has not been finalized yet. In it, we outline WDFW role and authority, classification process that includes best available science and the public, and the Commission's role.

We also make the point that when a species merits listing, that status change highlights the need to understand cause, define actions, and prioritize the Department's resources and partnerships to improve that status through species, habitat and system solutions.

We state that our ultimate goal and best outcome are to no longer need protective status, to be able to return that species to a regular monitoring interval and attention level to thrive in wild places in Washington without extraordinary conservation attention by people.

How Does This Impact the Public?

Elevates Awareness

The most impactful effect of state listing is the strong message it sends. Listing and up-listing open the door to more urgent conversations with the public, landowners, and partners to help reverse downward trends. WDFW focuses a greater level of attention on the species conservation, a recovery plan is prepared, and funding opportunities are elevated. Conversely, downlisting or removing a species from the list signals conservation success and that the species status is improving.

Priority Habitats and Species (PHS)

WDFW listings have **an indirect effect on land use regulations administered by local jurisdictions through the Growth Management Act and associated Critical Areas Ordinances**. All state Sensitive, Threatened and Endangered species are considered PHS species and treated the same in the PHS program, gaining consideration from local jurisdictions that regulate land use. **Changes between sensitive, threatened, or endangered status do not automatically affect PHS status or recommendations.**

Forest Practices Act

Classification changes prompt review and recommendations from WDFW to WDNR regarding voluntary measures or rules through the state's Forest Practice Board.

Protection from Take

Listed species are protected from "take." Protected species (Sensitive, Threatened, Other Protected) and Endangered species are classified and prosecuted under different WACs and RCWs and have slightly different definitions for take and associated penalties:

Take of Endangered species

A person is guilty of unlawful taking of an endangered species if the person **hunts for, fishes for, possesses, maliciously harasses, or kills fish or wildlife, or possesses or intentionally destroys the nests or eggs of fish or wildlife** ([RCW 77.15.120](#)).

Unlawful taking of endangered species in the second degree (1st offense) is a gross misdemeanor, which can be punished by up to 364 days in jail and up to \$5,000 (RCW 9A.20.021). For the 2nd offense within five years, or unlawful taking of an Endangered species in the first degree, is a class C felony, which can be punished by up to 5 years in jail and up to \$10,000 fine. Taking an Endangered species in the first degree also results in suspension of hunting privileges for 2 years.

Take of Protected Species (classified as Threatened, Sensitive, or Other Protected)

A person is guilty of unlawful taking of protected fish or wildlife if the person **hunts for, fishes for, maliciously takes, harasses, or possesses fish or wildlife, or the person possesses or maliciously destroys the eggs or nests.** Full description at [RCW 77.15.130](#).

Unlawful taking of protected wildlife is a misdemeanor that can carry a penalty of up to 90-days in jail and up to \$1,000 fine (RCS 9A.20.021). Additionally, there is a \$2,000 fine imposed for unauthorized taking that results in death of ferruginous hawk, bald eagle, golden eagle, or peregrine falcon.

And we took the opportunity to tell the funding story - WDFW recovery actions are supported by federal and state funding. Most federal funding comes through the US Fish and Wildlife Service and National Marine Fisheries Service. Primary state funding sources for listed species conservation is revenue from the sale of Personalized License Plates and Orca License Plates.

Often, limited funding and capacity are significant barriers for listed species recovery work. Status assessments for rare species and status changes – listing or up-listing – can create more opportunities for funding species and habitat conservation action. In many cases, federal and state conservation action and acquisition grants provide higher scoring for proposed work that directly contributes to the status improvement and recovery of listed species.

Comments/Questions

TB: Public needs to recognize and absorb some responsibility to engage in the solution. **Department needs to work on our messaging to engage that shared responsibility.**

JK: in WA, are there any species that have been recovered without federal protection – yes: brown pelican, stellar sea lion; white pelican, fisher and sea otter on their way; in favor of stronger regulatory effect

How can we strengthen the carrot? incentive driven voluntary action is very effective. JK experience is that it's very difficult to get those carrots framed and deployed.

TW – federal listing comes with a few carrots (funding) but more of a stick; we prefer to think of this as a promise we've made to recover species.

AK – incentives vs. enforcement; remuneration; public benefit

TB – broadening the responsibility for stewardship and the conversation we have with all of the public; private landowners are not the only responsible.

Wrap Up and Next Steps

Chair's action items summary and then adjourned at 2:48 PM