



## Wildlife Diversity Advisory Council

### Meeting Agenda

Tuesday, March 9, 2021 9AM –3:00 PM

**Review Materials:** September 2020 Minutes (*Action Item*)  
December 2020 Minutes (*Action Item*)  
President’s memo reviewing agency actions  
Hot Topics List

TIME	SUBJECT	TOPIC LEAD/SPEAKER
8:45	Virtual room open – informal discussions	
9:00	Welcome and sharing	Kroeker
9:20	Review Agenda <b>Decision:</b> review and approval of September and December minutes	Kroeker
9:30	National Policy <ul style="list-style-type: none"> <li>• <a href="#">Recovering America’s Wildlife Act</a></li> <li>• <a href="#">Executive Order</a> – 30 by 30 (sect. 216)</li> <li>• Reviewing agency actions – NEPA, ESA, CH, MBTA, ...</li> <li>• Others? Member updates?</li> </ul>	Anderson WDAC members
9:50	State Legislature <ul style="list-style-type: none"> <li>• Bills of interest – <a href="#">Pollinator Task Force Recommendations</a>, <a href="#">Commercial Whale Watching Licenses</a>, <a href="#">DNR Fire</a>, <a href="#">Salmon Recovery/Net Ecological Gain</a>, <a href="#">Comprehensive Planning/Climate Change</a>; <a href="#">Payment in lieu of taxes (PILT)</a></li> <li>• Budget &amp; provisos – pinnipeds, shrubsteppe, DNR safe harbor</li> <li>• Others? Member updates?</li> </ul>	Anderson, Cotten, Huff WDAC members
10:10	Fish and Wildlife Commission - new members, committees, upcoming	Anderson WDAC members
10:20	Break	
10:30	Wildlife Diversity Division Mission, Vision, Functions, Structure	Anderson, Connally, Cotten, Gorrell
11:00	Subcommittee Report outs <ul style="list-style-type: none"> <li>• Species of Conservation Concern</li> <li>• Wildlife Area Planning</li> <li>• Urban Outreach</li> </ul>	Whittaker DeSilvis, Lehmkuhl Krehbiel
11:30	Adjourn Morning Session	
1:00	Workshop: What does it mean to be state-listed? Messaging	Anderson WDAC members
2:30 or b4	Review and update hot topics	WDAC members
3:00 or b4	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 Werntz	***		
Kevin White	***	***	
Kara Whittaker	Chair		
Todd Wildermuth	***		
<b>Staff Support</b>	<b>T. Cotten/ W. Connally</b>	<b>J. Gorrell</b>	<b>T. Cotten</b>

## Attendance

WDAC members	WDFW staff
Anne Kroeker	Hannah Anderson
Anne Van Sweringen	Wendy Connally
Denis DeSilvis	Taylor Cotten
Ed Lisowski	Janet Gorrell
Jeff Kozma	Mary Huff
John Lehmkuhl	
Kara Whittaker	
Kevin White	
Nancy Lee	
Robb Krehbiel	
Todd Wildermuth	
Whitney DalBalcon	
Dave Wertz	
Shawn Cleveland	

## Welcome and Sharing

### Review Agenda

- Kara's edits to September minutes: Species of concern subcommittee report – Oregon Vesper sparrow comments were due on December 21<sup>st</sup>, not November. Also top of page 4 under scatter creek, delete Kara's name from comments, she doesn't remember doing that. Anne will make these changes and reflect that Dennis put together the comment letter
- December minutes: no changes
- Jeff K motioned that we accepted September and December minutes, pending September changes; John second, Motion passed.

### National Policy

- [Recovering America's Wildlife Act](#)
  - Still high priority and moving; would perpetually fund conservation of particularly non-game critters and implementation of State Wildlife Action Plans. Washington would receive \$22 million that would need to be leveraged with 25% nonfederal match.
  - WDFW has had some discussion about how we'd spend this funding but not deeply/strategically. Hannah spoke to the concept of a state incentive program for private lands.
- [Executive Order](#) – 30 by 30 (sect. 216)
  - Protection 30% of lands and water by 2030 – order give 90 days for Department of Interior to put together some clarity around this, including the definition of 'protection.'
- Reviewing agency actions – NEPA, ESA, CH, MBTA, ...
  - Administration has guided agencies to review many of the rule/policy changes that occurred under the previous administration. USFWS is scrambling now to do this.
  - Re: MBTA: <https://www.audubon.org/news/biden-administration-says-it-will-revoke-trump-rule-let-companies-kill-birds>
- Others? Member updates?
  - Robb spoke to Defenders' work on a bill embedding something into an infrastructure package – related to hydro power dams and replacing that energy through wind/solar. Defenders is looking for democratic legislators for support.  
<https://simpson.house.gov/salmon/>  
<https://storymaps.arcgis.com/stories/9e59cb81113b415daf56e088b17e132e>

- <https://www.spokesman.com/stories/2021/mar/07/fate-of-republican-mike-simpsons-plan-to-remove-sn/>
  - <https://www.spokesman.com/stories/2021/mar/07/dam-power-snake-river-dams-are-not-big-power-produ/>
  - <https://simpson.house.gov/salmon/>
  - <https://www.spokesman.com/stories/2021/mar/07/guest-opinion-create-a-future-on-the-lower-snake-r/>
- Doug IDd two associated articles and will provide them.

## State Legislature

- Bills of interest
  - [Pollinator Task Force Recommendations](#) – Bill passed in 2019 established a task force. The recommendations were finalized in Fall 2020; leg has reviewed and turned some of the recommendations into a Senate Bill. This bill addresses a subset of the recommendations covering Honey bees on state lands; non-native bumble bees; outreach communication; pesticide research/regulation; habitat in riparian areas addressed. It further suggests continuing the task force to create a work plan for the recommendations.
  - [Commercial Whale Watching Licenses](#) – Good fixes that we're supportive of relative to licenses and kayaks. Also, change from perpetual no-go zone to only when whales are present – we're concerned because of the difficulty of enforcing this. Hannah is coordinating with Jessica Stocking and Julie Watson.
  - [DNR Fire – 1168](#). Create wildfire response account to be used by partners to do things consistent with the 20-year forest health plan. Creates the account but doesn't appropriate. Dave expressed concern about use of categorical exclusions as suggested in the bill; should not be the principle tool for increasing the rate of actions needed. Also expressed concern about outsourcing NEPA review. If it doesn't pass, this is likely to come back.
  - [Salmon Recovery/Net Ecological Gain](#) – Amendments to GMA. 1117 would bring much needed capacity to the habitat program. May not be appetite to pass both 1117 and 1099.
  - [Comprehensive Planning/Climate Change](#) – Amendments to GMA. 1099 A lot to like, less WDFW specific work, more for other partners, but there are changes to verbiage that we support but some of these are in awkward places. Represents a shift in thinking beyond 'conserve' to 'making what we have better.
  - [Payment in lieu of taxes \(PILT\)](#) – would move responsibility for PILT from WDFW coffers to state treasury, which would align us with other state agencies.
- Budget & provisos – pinnipeds, shrubsteppe, DNR safe harbor
  - This group has heard about shrubsteppe proviso.
  - Proviso to study pinniped predation in Puget sound
  - Proviso to provide DNR the authority to enter into a programmatic Safe Harbor with USFWS for spotted owl. SB 5411.  
[https://www.dnr.wa.gov/publications/em\\_leg\\_dnr\\_leg\\_priorities\\_2021.pdf](https://www.dnr.wa.gov/publications/em_leg_dnr_leg_priorities_2021.pdf)
  - <https://app.leg.wa.gov/billsummary?BillNumber=5411&Initiative=false&Year=2021>
- Others? Member updates?

Fish and Wildlife Commission - new members, committees, upcoming

- o Fred Koontz and Lorna Smith are new members. These folks are bringing a heightened awareness/interest to wildlife program work. Appreciation for having more conservation voices on the Commission. Robb expressed the need to create collegial relationships between commissioners, and consideration of people of color for future commission openings. Dennis suggested, as a nationwide community in natural resource management, that we're NOT effectively discussing how we engage more young people. We can't rapidly increase diversity if we don't engage young people and clear the path for them. Need to focus on education programs in universities and creating opportunities early.

### **Wildlife Diversity Division Mission, Vision, Functions, Structure**

- o Team presented a PowerPoint that was constructed to 'onboard' new commission members.
  - o Doug is going to send some questions to staff

### **Subcommittee Report outs**

- Species of Conservation Concern
  - o Five species – two whales, grouse, sparrow, ferruginous hawk
  - o Letter on December 21 – retain listing statuses for gray and humpback whale; request for info on updates;
  - o Taylor: OR vesper sparrow is done; accepted suggestion. April vote for Commission on whales; sage grouse will be presented in late Mar meeting, staff requesting decision in April
  - o Staff suggesting uplisting for ferruginous hawk in late spring/early summer Commission meeting
  - o Taylor – Steller sea lion, unique because post-delisting, WAC dictates a 5-year review of delisting, hopefully a success story

- Wildlife Area Planning

#### **Wildlife Area Plans In Progress**

- South Puget Sound (SEPA Public Review draft March 2021)
- Skagit (Restart April 2021)
- Columbia Basin (Draft Plan for SEPA review in April 2021)
- L.T. Murray (Draft Plan in April 2021)
- Methow (Draft Plan in 2022)

#### **Wildlife Area Plans in the Queue**

- Cowlitz
- Big Bend / Wells / Sagebrush Flat

**Discussion - John L (E side)** – remember that we submitted grazing letter, read all comments during the comment period, takeaway was that this policy was about developing a process for when grazing was appropriate; q about what discussion followed bc did not hear back; . Hannah explained that grazing was discussed at last Commission meeting, grazing rules passed

John L sent letter of interest for LT Murray site and haven't heard back with updates; trying to keep up with list of what is coming down the pike and respond as plans come up for review

Ed L – Comm Koontz requested a “blue sheet” on grazing; Hannah - this means that the commission(er) wants a briefing from staff; this is on schedule for wildlife comm a June 24/26; Ed and John L – request to see blue sheet and have follow up as hot topic for E side

**Dennis D** (w side)– do not have anything right now but S Puget Sound and Skagit coming up on the horizon – waiting for public drafts to come out for comment; notes that Anne K sent something out about Lewis County coal plant and potential acquisition along with some letter; Dennis looked at it and does not know where/ if that fits in with wildlife plan; does not see how/where it would slot within existing WMAs

Hannah: clarifying that TransAlta property is what Dennis means; going through Lands 2020 planning process, which is internal and includes engagement with the public and LGUs, public-facing and in scoping process of pursuing acquisitions; thus TransAlta property is not a WMA area yet though it may possibly become one through this process – this connects to the discussion upcoming on messaging on end species listing – concerns from local counties about many new wildlife area plan/WMA and whether that might restrict non-state land use and development do to the support of endangered species on the potential future state WMA; Lands 2020 will go to the Wildlife Commission and presents an opportunity for WDAC to provide useful input

Anne K: this is part of larger known issue needing long term attention

Anne VS: seconds emphasis on importance and need for broad engagement

- Urban Outreach  
hasn't been meeting since last WDAC, Robb will need to step down for good reason that Biden admin has made his Defenders work much busier.

Taylor: “Brewshed” project, potential Spokane brewery partner and looking for a WMA to pair that with; also finalizing contracting language for release of fiscal opportunity for the [?] grant program and hoping to be able to announce in coming months

## **Workshop: What does it mean to be state-listed? Messaging**

Hannah – What does it mean to be state listed? Messaging

Would value input from WDAC on how to improve message and delivery formats for explaining what state listing means. Begin ppt

- emphasis on the point as being recovering the species for delisting
- difference between listed species and listed entities (runs/sub species)
- food fish not “wildlife” so cannot be listed
- core RCW and associated WACs
- listing is about science and only science by rule: endangered; threatened; sensitive
- other “protected” species – separately identified and protected in a different section of WAC
- what does listing do? Unlawful taking is prohibited – see RCW – that is ONLY T&E specific regulatory action associated with listing
- PHS a different thing, and used by GMA as a way to inform critical habitat ordinances; those ordinances are controlled and adopted by LGUs so an E,T,S listing is indirectly relevant to local regulation

- status changes trigger a rec from DFW to DNR as to whether to review forest practices rule related to the species; this can trigger a rec from DNR to FPB to convene workgroup or amend rules for state listed species – e.g. MAMU
- most impactful impact: sends a strong message and brings funding and staff attn, inclu priority for data collection and monitoring
- confusion about what diff is between state and fed listing – fed listing is associated with more regulation than state listing, though there are also creative tools available to the feds not avail to the state, e.g. CCAA to “reduce perceived regulatory burden” of listing the Island Marble butterfly, and there is a lot of money in the federal govt
- what do you all hear about what listing means?

Robb: which audience do you mean? May need different tools. H: the general public, always, but also LGU commissioners. Robb: much nuance is not what most public needs; ex of 10(j) process that hits the right kind of detail for the intended audience.

Trina: “see it’s not so bad because we do not have reg teeth or control, so don’t worry.” Why not a message of leading with shared value of functioning ecosystems, healthy human populations, and that you are partners as landowners; H: please don’t make me shout that we have no power

Jeff K - One problem with the messaging of listed species in Washington is that when a species is listed, there are no teeth to the listing. Meaning, very little guaranteed protection and almost no regulatory framework for species recovery other than incidental take. Recovery strategies are implemented mostly with voluntary guidelines. It seems that only when a species also has a Federal listing (Northern Spotted Owl, Bald Eagle) in addition to the state listing, then regulatory measures are put in place. Washington could improve messaging on listing species if they implemented regulatory measures to help facilitate recovery.

## **Review and update hot topics**