

ESA Listing Updates

(This information is available online at: <http://www.wsdot.wa.gov/Environment/Biology/BA/default.htm#SpeciesList>)

Species Proposed For Listing

Species	Date of Proposed Rule	Anticipated Listing Date	Comments
Dolly Varden	January 9, 2001	Unknown - likely to remain a proposed species	This species is proposed for listing under the ESA "Similarity of Appearance" provision, section 4(e). However, WSDOT does not address this species in biological assessments.
West Coast DPS fisher (<i>Pekania pennanti</i>)	October 7, 2014	WITHDRAWN	<p>On October 7, 2014, the USFWS proposed to list the West Coast distinct population segment (DPS) of the fisher (<i>Pekania pennanti</i>) as threatened under the Endangered Species Act. The USFWS will likely issue a final rule in October 2015. No critical habitat was proposed at this time. The fisher was listed as state endangered in Washington in 1998, and there is a state recovery plan. Although the currently proposed DPS covers all fishers in California, Oregon and Washington, the USFWS is also considering two other DPS alternatives: 1) a single DPS that would only include the two natural populations in Oregon/California and the reintroduced Northern Sierra Nevada Population, and 2) two separate DPSs: one in the Northern California/Southern Oregon population (including the reintroduced Northern Sierra Nevada Population) and a second DPS for the South Sierra Nevada population. Both of these alternatives focus on extant native fisher populations and would not include reintroduced fisher in Washington State.</p> <p>On April 13, 2015, the USFWS announced that there will be a 6-month extension of the final determination of whether to list the West Coast distinct population segment (DPS) of fisher (<i>Pekania pennanti</i>) as a threatened species. There was substantial disagreement regarding available information related to toxicants and rodenticides (including law enforcement information and trend data) and related to surveyed versus unsurveyed areas (including data on negative survey results) to help assess distribution and population trends.</p> <p>On April 18, 2016, the USFWS withdrew the proposed rule to list the West Coast Distinct Population Segment (DPS) of fisher as a threatened species under the Endangered Species Act. The USFWS found the best scientific and commercial data available indicate that the West Coast DPS of fisher does not meet the statutory definition of an endangered or threatened species because the stressors potentially impacting the DPS and its habitat are not of sufficient magnitude, scope, or imminence to indicate that the DPS is in danger of extinction, or likely to become so within the foreseeable future.</p>

Species Proposed For Delisting

Species	Date of Proposed Rule	Anticipated Delisting Date	Comments
Canary rockfish	July 6, 2016	Mid-2017	The proposed change is the result of new genetic data that were collected and analyzed as part of a 5-year review for the three listed rockfish species. The data indicate that Puget Sound/Georgia Basin canary rockfish were not genetically different from the coastal canary rockfish.
Gray Wolf	June 13, 2013	Mid-2014	Proposal based on best scientific and commercial information indicating that the currently listed entity is not a valid species under the ESA. Recent taxonomic information indicates that wolves in the Great Lakes are and northeastern United States represent a separate species.

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Critical Habitat, Protective Regulations & Other Notices/Proposed Rules

Species	Status	Anticipated Date of Final or Proposed Rule	Comments
Lower Columbia River Coho Salmon Critical Habitat Proposed Rule	January 14, 2013- the NMFS proposed a rule to designate critical habitat for Lower Columbia River coho salmon .	DESIGNATED MARCH 2016	<p>The proposed critical habitat areas are in Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania, and Wahkiakum Counties. NMFS proposed to designate 2,288 stream miles of critical habitat for coho (all currently occupied and most in private ownership) and exclude 1,065 stream miles. Several military installations and areas with active Habitat Conservation Plans (HCPs) were not included in the proposed critical habitat areas. The proposed PCEs for Lower Columbia River coho salmon are:</p> <ol style="list-style-type: none"> 1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development. 2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks. 3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival. 4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation. 5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, boulders, and side channels. 6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.
Puget Sound Steelhead Critical Habitat Proposed Rule	January 14, 2013- the NMFS proposed a rule to designate critical habitat for Puget Sound steelhead .	DESIGNATED MARCH 2016	<p>The proposed critical habitat areas are in Clallam, Jefferson, King, Kitsap, Mason, Pierce, Skagit, Snohomish, Thurston, and Whatcom Counties. NMFS proposed to designate 1,880 stream miles of critical habitat for Puget Sound steelhead and exclude 1,639 stream miles (26 miles of stream on the Elwha River above the former Elwha and Glines Canyon dams are proposed and were unoccupied prior to dam removal that began in 2011). Several military installations and areas with active Habitat Conservation Plans (HCPs) were not included in the proposed critical habitat areas. The proposed PCEs for Puget Sound steelhead are:</p> <ol style="list-style-type: none"> 1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development. 2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks. 3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival. 4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation. 5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, boulders, and side channels. 6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

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<p>Oregon Spotted Frog Critical Habitat Proposed Rule</p>	<p>August 29, 2013- USFWS proposed a rule to designate critical habitat for Oregon spotted frog.</p>	<p>DESIGNATED MAY 2016</p>	<p>The proposed critical habitat units are located in Whatcom, Skagit, Thurston, Skamania, and Klickitat counties. The proposed PCEs for Oregon spotted frog are:</p> <p>PCE 1. Nonbreeding (N), Breeding (B), Rearing (R), and Overwintering Habitat (O). Ephemeral or permanent bodies of fresh water, including, but not limited to natural or manmade ponds, springs, lakes, slow-moving streams, or pools within or oxbows adjacent to streams, canals, and ditches, that have one or more of the following characteristics:</p> <ul style="list-style-type: none"> • Inundated for a minimum of 4 months per year (B, R) (timing varies by elevation but may begin as early as February and last as long as September); • Inundated from October through March (O); • If ephemeral, areas are hydrologically connected by surface water flow to a permanent water body (e.g., pools, springs, ponds, lakes, streams, canals, or ditches) (B, R); • Shallow water areas (less than or equal to 30 centimeters (12 inches), or water of this depth over vegetation in deeper water (B, R); • Total surface area with less than 50 percent vegetative cover (N); • Gradual topographic gradient (less than 3 percent slope) from shallow water toward deeper, permanent water (B, R); • Herbaceous wetland vegetation (i.e., emergent, submergent, and floating-leaved aquatic plants), or vegetation that can structurally mimic emergent wetland vegetation through manipulation (B, R); • Shallow water areas with high solar exposure or low (short) canopy cover (B, R); • An absence or low density of nonnative predators (B, R, N) <p>PCE 2. Aquatic movement corridors. Ephemeral or permanent bodies of fresh water that have one or more of the following characteristics:</p> <ul style="list-style-type: none"> • Less than or equal to 5 kilometers (3.1 miles) linear distance from breeding areas; • Impediment free (including, but not limited to, hard barriers such as dams, biological barriers such as abundant predators, or lack of refugia from predators). <p>PCE 3. Refugia habitat. Nonbreeding, breeding, rearing, or overwintering habitat or aquatic movement corridors with habitat characteristics (e.g., dense vegetation and/or an abundance of woody debris) that provide refugia from predators (e.g., nonnative fish or bullfrogs).</p>
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Petition Findings and Species Undergoing 12-Month Status Reviews***

Species	Date Petition Received by Services	Petitioned Action	Date of 90-day Petition Finding	Petition Finding	Anticipated Publication Date of 12-Month Status Review	Anticipated Date Petitioned Action Would be Finalized if Proposed Based on 12-Month Status Review	Comments
Cascade Torrent Salamander	7/11/2012	Requests listing under the ESA	9/17/2015	The petition may be warranted. Status review initiated.	9/17/2016	9/17/2017	On September 17, 2015, the USFWS responded to a petition by the Center for Biological Diversity on July 11, 2012 to list 53 amphibian and reptile species across the United States. The Cascade torrent salamander (<i>Rhyacotriton cascadae</i>) was one of the species petitioned for listing. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Cascade torrent salamander based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat or range; and Factor E, introduced species, ultraviolet radiation, pollution, and small and isolated populations. The species occurs in Lewis, Cowlitz, Skamania, and Clark counties.
Columbia Torrent Salamander	7/11/2012	Requests listing under the ESA	9/17/2015	The petition may be warranted. Status review initiated.	9/17/2016	9/17/2017	On September 17, 2015, the USFWS responded to a petition by the Center for Biological Diversity on July 11, 2012 to list 53 amphibian and reptile species across the United States. The Columbia torrent salamander (<i>Rhyacotriton kezeri</i>) was one of the species petitioned for listing. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Columbia torrent salamander based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat. Columbia torrent salamanders are found in Grays Harbor, Pacific, Lewis, Wahkiakum, and Cowlitz counties.
Northern Bog Lemming	9/30/2014	Requests listing under the ESA	9/17/2015	The petition may be warranted. Status review initiated.	9/17/2016	9/17/2017	On September 17, 2015, the USFWS responded to a petition by the WildEarth Guardians on September 29, 2014 to list the northern bog lemming (<i>Synaptomys borealis</i>) as endangered or threatened. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the northern bog lemming based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat or range; and Factor E, other natural or manmade factors. The species has been documented in Whatcom, Okanogan, and Pend Oreille counties.
Tricolored Blackbird	2/5/2015	Requests listing as endangered under the ESA	9/17/2015	The petition may be warranted. Status review initiated.	9/17/2016	9/17/2017	On September 17, 2015, the USFWS responded to a petition by the Center for Biological Diversity on February 3, 2015 to list the tricolored blackbird (<i>Agelaius tricolor</i>) as endangered. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the tricolored blackbird based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat or range; Factor C, disease or predation; Factor D, the inadequacy of existing regulatory mechanisms; and Factor E, other natural or manmade factors. Tricolored blackbirds are known to occur on the Columbia Plateau.
Tufted Puffin	2/14/2014	Requests listing under the ESA	9/17/2015	The petition may be warranted. Status review initiated.	9/17/2016	9/17/2017	On September 17, 2015, the USFWS responded to a petition by the Natural Resources Defense Council on February 12, 2014 to list the contiguous U.S. DPS of tufted puffin (<i>Fratercula cirrhata</i>) as endangered or threatened. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the tufted puffin based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat or range; Factor C, disease or predation; and Factor E, other natural and manmade factors. Tufted puffins are associated with marine waters.
Cascades Frog	7/11/2012	Requests listing under the ESA	7/1/2015	The petition may be warranted. Status review initiated.	7/1/2016	7/1/2017	On July 1, 2015, the USFWS responded to a petition by the Center for Biological Diversity on July 11, 2012 to list 53 amphibian and reptile species across the United States. The Cascades frog (<i>Rana cascadae</i>) was one of the species petitioned for listing. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the Cascades frog based on: Factor A, present or threatened destruction, modification or curtailment of the species habitat or range; Factor C, disease or predation; and Factor E, introduced species, ultraviolet radiation, pollution, and small and isolated populations.

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Western Pond Turtle	7/11/2012	Requests listing under the ESA	4/13/2015	The petition may be warranted. Status review initiated.	5/13/2016	5/13/2017	On Friday April 10, 2015, the USFWS responded to a petition by the Center for Biological Diversity on July 11, 2012 to list 53 amphibian and reptile species across the United States. The western pond turtle was one of the species petitioned for listing. Based on review of the petition and sources cited in the petition, USFWS finds that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the western pond turtle (<i>Actinemys marmorata</i>) based on Factor A, present or threatened destruction, modification or curtailment of the species habitat or range.
Island Marble Butterfly	8/24/2012	Requests listing as endangered under the ESA	8/19/2014	The petition may be warranted. Status review initiated.	8/19/2015	8/19/2016	USFWS has found a petition to list island marble butterfly (<i>Euchloe ausonides insulanus</i>) as endangered is warranted on August 19, 2014. This butterfly was considered extinct in 1908 until it was rediscovered on San Juan Island, WA in 1998 and Lopez Island, WA in 2005. It is presently known only from these two islands in the San Juan Archipelago offshore of Washington State. The Service had reviewed a previous petition to list in 2006 and found it not warranted. They will conduct a 12-month review and then issue a new finding.
Washington Ground Squirrel	3/2/2000	Requests listing as threatened under the ESA	12/5/2014	Listing warranted but precluded. Continued status review.	9/21/16 LISTING NOT WARRANTED		
Woodland caribou – southern Selkirk Mountains Population	5/14/2012	Petition requests delisting as endangered under the ESA	5/8/2014	The petition may be warranted. Status review initiated.	5/8/2015	5/8/2016	The USFWS announced a 12-month finding on a petition to delist the southern Selkirk Mountains population of woodland caribou . After review of the best available scientific and commercial information, they found that delisting the species is not warranted, but rather, a revision to the current listed entity to define a distinct population segment (DPS), consistent with USFWS 1996 distinct population segment policy, is appropriate. As such, the USFWS proposed to amend the current listing by defining the Southern Mountain Caribou DPS, which includes the currently listed southern Selkirk Mountains population of woodland caribou, and proposed to designate the status of the Southern Mountain Caribou DPS as threatened under the Act. The comment period was extended to August 2014.

Bold = U.S. Fish & Wildlife Service Jurisdiction; Non-bold = NOAA Fisheries National Marine Fisheries Service Jurisdiction

* Section 4(b) of the ESA states that designation of critical habitat should occur at the same time as the final ruling, unless the secretary deems that critical habitat is not then determinable, in which case the time to critical habitat designation maybe extended by 1 year.

** Section 4(d) of the Endangered Species Act (ESA) directs NOAA Fisheries to issue regulations to conserve species listed as threatened. This applies particularly to “take,” which can include any act that kills or injures fish, and may include habitat modification. The ESA prohibits ANY take of species listed as endangered, but some take of threatened species that does not interfere with salmon survival and recovery can be allowed.

*** If the 12-month status review finds in favor of the petitioned action, species will be proposed for listing and removed from this table, and added to the "Species Proposed for Listing" table above.

★ These species are the species that are likely to be most affected by WSDOT projects.

Red text – Anticipated Federal Register publication dates that have not yet happened.

Blue text – Final Rule has been published in the Federal Register.

¹ See Vol. 73 of the Federal Register, pages 23170-23173, April 29, 2008 for more information. Available: <http://ecos.fws.gov/speciesProfile/SpeciesReport.do?spcode=B06W>