

## Agenda Item Summary

### BACKGROUND

The Oregon Fish and Wildlife Commission is required by Oregon Administrative Rule 635-100-0120 to review the status of each species on the state threatened and endangered species every five years to determine if verifiable scientific information exists to justify reclassification or removal from the list. Reclassification includes endangered to threatened, or threatened to endangered. The criteria to be used in this review are those in OAR 635-100-0105; 635-100-0110; 635-100-0111 (Reclassifying Species) and 635-100-0112 (Removing Species from the State List).

If the Commission determines that any species qualifies for reclassification or removal from the list(s), it shall within 90 days of the determination commence the process of rule-making to change the status of the species. This review today is not a rule-making hearing.

### PUBLIC INVOLVEMENT

OAR 635-100-0120 and 635-100-0110(5) outlines entities (Affected state and federal agencies; affected cities and counties; affected federally-recognized Indian tribes; other states having a common interest in the species; and other interested persons) the Oregon Department of Fish and Wildlife (Department) should consult whenever considering removal (delisting) of species from the state threatened and endangered species lists or reclassification from threatened to endangered or visa versa.

Staff consulted scientific specialists with knowledge and experience of listed species. Staff consulted with federal agencies with scientific information related to species' status and incorporated findings made by U.S. Fish and Wildlife Service and National Marine Fisheries Service in their formal five-year species reviews. Staff consulted conservation organizations with technical scientific information. Some species' information was compiled and reviewed at Oregon State University. Staff report was posted on the agency website.

### ISSUE 1

#### **SPECIES REVIEW AND RECOMMENDATIONS FOR CHANGES IN LISTING STATUS**

### ANALYSIS

The legal and biological status of each threatened and endangered wildlife species listed under the Oregon Endangered Species Act (OESA) were reviewed. Based upon verifiable scientific available since the last periodic review or when listing occurred, two species may qualify for delisting (removing from protection under the OESA): the brown pelican and gray whale. The current rules however do not lend themselves to delisting species that are only migrants to or through the state. Other minor

administrative changes are recommended regarding taxonomy of three listed species for future rule-making, modifying scientific names to commonly accepted taxonomic nomenclature to reflect current scientific thinking. For all other listed wildlife species there is no documented and verifiable information to justify removal of any species from OESA protection; or that the species' survival has diminished or increased to justify reclassification; or there is no information available to make any determination.

**OPTIONS**

1. Informational: No changes to species listings except for seeking to remove (delisting) the brown pelican and gray whale from protection under the OESA.

**STAFF  
RECOMMENDATION**

Option 1.

<b>DRAFT MOTION</b>
<b>EFFECTIVE DATE</b>