

Agenda Item Summary

BACKGROUND

It is Oregon's policy "to prevent the serious depletion of any indigenous species" (ORS 496.012). The Oregon Administrative Rules (OAR) for threatened and endangered species (OAR 635-100-0080 to 0194) are intended to help implement this policy. However, recovering species when their populations are severely depleted can be difficult and expensive. In addition, designation of such species can be socially and economically divisive.

To provide a positive, proactive approach to species conservation, a "sensitive" species classification was created under Oregon's Sensitive Species Rule (OAR 635-100-0040). The Sensitive Species List focuses fish and wildlife conservation, management, and research and monitoring activities on species that need conservation attention. Although the intent of the Sensitive Species List is to prevent species from declining to the point of qualifying as threatened or endangered (T&E), this list is not used as a "candidate" list for species to be considered for listing on Oregon's State List of Threatened and Endangered Species (OAR 635-100-0125). The Sensitive Species List is also used to help species that have been removed from Oregon's T&E List; while they no longer meet the criteria to remain T&E, they may not yet be fully recovered or may be naturally limited in some manner.

"Sensitive" refers to fish and wildlife that are facing one or more threats to their populations and/or habitats. Consistent with OAR 635-100-0040 (2), "Sensitive Species" are defined as having small or declining populations, are at-risk, and/or are of management concern. Implementation of appropriate conservation measures to address existing or potential threats may prevent them from declining to the point of qualifying for threatened or endangered status.

The Oregon Department of Fish and Wildlife (Department) maintains the Sensitive Species List in accordance with OAR 635-100-0040. The Sensitive Species List is scheduled to be updated by the Department every five years. This most recent Sensitive Species List revision was delayed so it could be consistent with the Department's species status reviews and species designations undertaken for the update of the Oregon Conservation Strategy (OCS) completed earlier this year. This aligns the Strategy Species List and Sensitive Species List for fish and wildlife species.

The Sensitive Species List (Attachment 2) is, for the most part, a subset of species highlighted in the OCS. The OCS identifies priority issues, landscapes, habitats, and species of greatest conservation need. It serves as the official State Wildlife Action Plan for Oregon and is a requirement of the federal State Wildlife Grant Program. The Sensitive Species List is similarly focused on the species at greatest risk of further decline and/or becoming threatened or endangered if action is not taken. Although very similar in purpose, there are some important distinctions between the

OCS Strategy Species List and the Sensitive Species List. The OCS Strategy Species List has a broader scope and is not limited by ODFW's management authorities. The Sensitive Species List is limited to fish, amphibians, reptiles, birds, and mammals; it does not include: 1) invertebrates, plants, algae, or fish and marine mammals that occur only in the nearshore ecoregion, that are identified in the OCS or 2) species already listed by the state as threatened or endangered.

The Department primarily uses the OCS Strategy Species and Sensitive Species lists as non-regulatory tools. However, the Sensitive Species List is also referenced in the Department's Chemical Process Mining Consolidated Application and Permit Review Standards (OAR 635 Division 420) and In-Water Blasting Permits (OAR 635 Division 425). Also, the Department's biologists provide reviews of a variety of proposed land and water management actions based, in part, on OCS Strategy Species and Sensitive Species list priorities. Being included on the Sensitive Species List also provides additional regulatory oversight, landowner incentives, and public records limits with other state agencies, which reference them in their Oregon Administrative Rules. These agencies include the Columbia River Gorge Commission, Department of Energy, Energy Facility Siting Council, Department of Forestry, Department of Geology and Mineral Industries, Land Conservation and Development Department, Department of State Lands, Parks and Recreation Department, State Marine Board, and Water Resources Department. Revision to species on the list does not alter the provisions of the Department's or other agencies' administrative rules.

PUBLIC INVOLVEMENT

Significant stakeholder and public involvement occurred in the process to develop the OCS and associated list of Strategy Species. During the OCS revision, the Department reached out to over two hundred technical experts, tribal biologists, and federal and state agency representatives to assist in updating the OCS. The Department also convened a Stakeholder Advisory Committee, including: outdoor interest groups, agriculture and forestry interest groups, conservation organizations, travel industry, and government and professional society representation. OCS drafts were posted for a 30-day public review process. The Sensitive Species List is based on the results of this process.

The Sensitive Species List was released for comments as part of the Commission packet, concluding with direct public testimony at the December 2, 2016 Commission meeting.

ISSUE 1

Provide an update on the changes to the Sensitive Species List that resulted from the most recent review

ANALYSIS

The Department's Conservation Program (in Wildlife Division) and Conservation and Recovery Program (in Fish Division) completed an extensive review and revision of the Sensitive Species List during the update to the OCS. The factors considered for designating a "Sensitive Species" include: declining populations; imminent or active deterioration of primary habitat; populations impacted by Key Conservation Issues, disease, predation, contaminants, and other natural or human-caused

factors; over-utilization; inadequate existing state or federal programs for management or conservation of species and/or primary habitats; and naturally limited range or rare occurrence.

Department staff used a variety of resources to conduct the review, including: scientific information gained during development of the 2016 OCS; status assessments and information contained in conservation, recovery, and other management plans completed since the list was last updated; data collected by the Department and our partners; scientific literature; input from outside experts including Oregon Biodiversity Information Center and NatureServe information; faculty at Oregon State University; and/or survey data when available. Draft lists were reviewed by Department biologists and were peer-reviewed by external scientific experts. More information on the science used to determine the status of these species, priorities, and conservation actions can be found at OregonConservationStrategy.org.

The revised Sensitive Species List consists of two categories, “Sensitive” and “Sensitive-Critical”. Species or taxa with a “Sensitive-Critical” sub-designation are Sensitive Species of particular conservation concern. “Sensitive-Critical” species have current or legacy threats that are impacting their abundance, distribution, diversity, and/or habitat. They may decline to the point of qualifying for threatened or endangered status if conservation actions are not taken.

Species are designated as “Sensitive” by geographic groupings of population segments or habitats, or by ecoregion, depending on the taxa. Species Management Units (SMU) are the listing unit for fish. Ecoregions are the listing unit for amphibians, reptiles, birds, and mammals. A species may be designated as both “Sensitive” and “Sensitive-Critical” in different SMUs or ecoregions, depending on the regional level of conservation concern.

Key Updates

Changes to the Sensitive Species List for this update include both additions and removals from the list as well as some reclassifications between “Sensitive” and “Sensitive-Critical”. If there was not sufficient information to assess a species’ status, the species was identified in the Oregon Conservation Strategy as a “Data Gap Species”, indicating the need for additional survey or research.

- The “Vulnerable” category used previously, has been changed to “Sensitive”. Species with a higher level of immediate threats or concern have the sub-designation “Sensitive-Critical”.
- The number of total taxa on the Sensitive Species List increased slightly from 139 to 150. The number of taxa is greater than the number of individual species because fish are considered by SMU or taxonomic subgroup. There are also instances of taxonomic changes since the previous list.

- For wildlife, 96 taxa (species and subspecies) are currently maintained on the list. During this review, 10 taxa were removed, and 18 taxa were added. There are 32 “Sensitive-Critical” and 72 “Sensitive” wildlife species listed. These numbers do not add up to 96 because some species are designated as both “Sensitive-Critical” and “Sensitive” in different ecoregions since their status varies across geographic areas.
- For fish, 54 taxa are included on the list. During this review, 2 taxa were removed, 5 taxa were added (one of them was added as “Sensitive-Critical” status), and 11 were downgraded from “Sensitive-Critical” status but remain a “Sensitive” species. There are 17 “Sensitive-Critical” and 37 “Sensitive” taxa listed.
- The Department is proposing to remove Foskett Spring speckled dace and Borax Lake chub from the State List of Threatened and Endangered Species. If the Commission approves this delisting, these species will also be placed on the Sensitive Species List.

Next steps

This revised list will be made available to the public and partners through the Department’s website and electronic distribution in December 2016. The next scheduled review by the Department is 2021.

OPTIONS

N/A (no rule change required, informational only)

**STAFF
RECOMMENDATION**

N/A

DRAFT MOTION	N/A (no rule change required, informational only)
EFFECTIVE DATE	