

## 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.
North American wolverine	October 31, 2013	<b>Late-2017</b>	The USFWS reopened the comment period on the February 4, 2013, proposed rule to list the DPS of wolverine ( <i>Gulo gulo luscus</i> ) occurring in the contiguous United States as threatened, under ESA. The District Court for the District of Montana vacated the August 13, 2014, withdrawal of the proposed rule to list the DPS distinct population segment of the North American wolverine as threatened, which effectively returned the process to the stage of the proposed listing rule USFWS published in 2013. USFWS will initiate a new status review of the North American wolverine, to determine whether this DPS meets the definition of an endangered or threatened species under ESA.

### Species Proposed For Delisting

Species	Date of Proposed Rule	Anticipated Delisting Date	Comments
Canary rockfish	July 6, 2016	<b>DELISTED (effective March 24, 2017)</b>	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	<b>Mid-2014</b>	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.

### Critical Habitat, Protective Regulations & Other Notices/Proposed Rules

Species	Status	Anticipated Date of Final or Proposed Rule	Comments
None as of February 2017			

### 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.

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<b>Columbia Torrent Salamander</b>	7/11/2012	Requests listing under the ESA	<b>9/17/2015</b>	The petition may be warranted. Status review initiated.	<b>9/17/2016</b>	<b>9/17/2017</b>	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.
<b>Northern Bog Lemming</b>	9/30/2014	Requests listing under the ESA	<b>9/17/2015</b>	The petition may be warranted. Status review initiated.	<b>9/17/2016</b>	<b>9/17/2017</b>	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.
<b>Tricolored Blackbird</b>	2/5/2015	Requests listing as endangered under the ESA	<b>9/17/2015</b>	The petition may be warranted. Status review initiated.	<b>9/17/2016</b>	<b>9/17/2017</b>	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.
<b>Tufted Puffin</b>	2/14/2014	Requests listing under the ESA	<b>9/17/2015</b>	The petition may be warranted. Status review initiated.	<b>9/17/2016</b>	<b>9/17/2017</b>	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.
<b>Cascades Frog</b>	7/11/2012	Requests listing under the ESA	<b>7/1/2015</b>	The petition may be warranted. Status review initiated.	<b>7/1/2016</b>	<b>7/1/2017</b>	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.
<b>Western Pond Turtle</b>	7/11/2012	Requests listing under the ESA	<b>4/13/2015</b>	The petition may be warranted. Status review initiated.	<b>5/13/2016</b>	<b>5/13/2017</b>	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.
<b>Island Marble Butterfly</b>	8/24/2012	Requests listing as endangered under the ESA	<b>8/19/2014</b>	The petition may be warranted. Status review initiated.	<b>8/19/2015</b>	<b>8/19/2016</b>	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.

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<b>Woodland caribou – southern Selkirk Mountains Population</b>	5/14/2012	Petition requests delisting as endangered under the ESA	<b>5/8/2014</b>	The petition may be warranted. Status review initiated.	<b>5/8/2015</b>	<b>5/8/2016</b>	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.
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**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.**

<sup>1</sup> 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>