

VI. WOLF-HUMAN INTERACTIONS

Many Oregonians attending the wolf town hall meetings in 2002 and 2003 expressed concern or asked questions related to wolves and public safety. The most commonly asked question was, “Do wolves attack people?” Because wolves have been absent from Oregon for so long, most people are unfamiliar with wolves and wolf behavior. Addressing public safety concerns and providing information on wolf behavior are important steps in achieving conservation and tolerance of wolves by citizens.

Compared to other wildlife-human interactions, attacks by wolves on humans are quite rare. There currently are an estimated 10,000-20,000 wolves in Europe, 40,000 in Russia and 60,000 in North America (Boitani 2003). Despite the high numbers of wolves, records can be found for only four people being killed in Europe and four in Russia by non-rabid wolves during the last 50 years. In North America since 2005, two documented wolf-caused deaths have occurred: one in Canada and one in Alaska. Over the last 50 years, where rabies was a factor, nine cases could be found (Linnell et al. 2002). In contrast, during the 20th century, brown/grizzly bears have killed 36 people in Europe, 206 in Asia, and 71 in North America (Swenson et al. 1996). An estimated 25 attacks by black bears occur each year in North America, with one being fatal every third year (Conover 2001). From 1890 to 2001 in North America, there have been 17 fatal and 72 non-fatal verified attacks by cougars (Beier 1991, Fitzhugh unpublished, Linnell et al. 2002). Domestic dogs in America are responsible for 4.7 million bites and 15-20 fatalities per year³⁹ (Centers of Disease Control 1997; Sacks et al. 1996). Domestic dogs also are the single most important vector for transmission of rabies to humans (Moore et al. 2000). See Conover, 2001, for an overview of other species attacks, bites or stings on humans.

Fatal wolf attacks on humans in North America have been relatively rare when compared with Europe and Asia (Mech and Boitani 2003, Linnell et al. 2002). This appears to be strongly correlated with the much higher incidence of rabies in regions other than North America. In those parts of the world where attacks by rabid wolves have occurred, wolves are not a major source of rabies, but rather contract it from contact with other wildlife that do harbor the disease. Historically, attacks on humans by rabid wolves occurred during what is known as the “furious phase” of the disease. In this phase, a rabid wolf would run through a village and bite anyone it encountered, wounding some and killing others. Untreated surviving victims often died within five weeks from having contracted rabies from the wolf. Given the severity of these sporadic episodes, it is likely they contributed to a perception brought to this country by European settlers that all wolves are violently dangerous animals. However, in North America, such episodes have rarely occurred due to the low overall incidence of rabies on this continent (Linnell et al. 2002).

By far the majority of attacks by wolves on humans worldwide have involved wolves infected with rabies (ibid.). Other incidents involved wolves that had been kept in captivity, healthy wild wolves that became habituated to humans providing the wolves with food, territorial attacks by wolves on pet dogs where the dog owner attempted to intervene, defensive attacks by wolves when trapped or cornered or when den sites with pups were threatened, wolves acting as predators under unique

³⁹ www.dogbitelaw.com 2004.

circumstances (i.e., in India where conditions have deprived wolves of all wild prey and livestock is heavily guarded), and wolf-dog hybrids.

In the last decade an increase in reports of bold behavior in North America by wolves has been documented. McNay (2002) reviewed 80 incidents where wolves exhibited what he termed “fearless behavior” toward humans during the period 1900-2001 in Canada and Alaska. The recent increase in fearless behavior toward humans was believed to be related to increased protections for wolves, higher wolf populations, and a greater number of humans visiting parks and other areas inhabited by wolves. As with any wildlife species, this scenario provided many more opportunities for wolves to become habituated to humans and conditioned to human foods.

Generally, attacks by healthy wild wolves on humans are an uncommon event, and fatal attacks are even more uncommon. However, as large carnivores, wolves are fully capable of inflicting serious harm to humans. As such, wolves should be respected for their capabilities and humans should avoid close contact at all times. In defense of human life, the federal ESA provides that a person is not liable for take of a listed species if the person takes the animal based on a good faith belief that the person is acting to protect someone from bodily harm. The Oregon ESA does not address defense of human life. However, Oregon’s criminal code provides a defense that may justify an otherwise illegal take if the act was necessary to avoid imminent, grave injury to a person (ORS 161.200).

A. Hunters

In Oregon, licensed big game hunters, upland bird hunters, and trappers may be more likely to come into contact with wolves than other citizens. To ensure compliance with laws protecting endangered wolves, it is essential that these groups be well informed regarding the presence of wolves in areas of the state and what to do if wolves are encountered. A well planned information and education effort directed by ODFW working directly with organized hunting and trapping groups, as well as with the general hunting population, will be needed.

Since the arrival of wolf B-45 in 1999, ODFW has taken steps to inform big game hunters of the possible presence of wolves through printed information and graphics in the annual big game hunting synopsis. This page has appeared each year with an update on the wolf situation in Oregon and other pertinent information. Included is information regarding laws protecting wolves and any recent changes in the legal status of wolves.

To assist hunters with identification of wolves, drawings of the relative size of a coyote and a wolf are displayed along with depictions of a typical footprint of each. Hunters are asked to report sightings of wolves to the USFWS by calling a phone number provided. Finally, hunters are reminded that identification of the intended quarry is the responsibility of the individual hunter and mistaken identity is not grounds for avoiding prosecution. As it relates to human safety, hunters can take appropriate action to protect themselves.

In the future, presentations to organized hunting groups regarding wolves will be essential to achieving conservation goals for wolves in Oregon. In addition, articles in hunting magazines, newspapers, ODFW hunting regulations and radio spots will help reach the majority of hunters in

the state. Flyers or posters displayed at license vendors across the state also could aid in reaching other hunters with information about wolves.

B. Trappers

Licensed trappers are another user group who may come into contact with wolves inadvertently through legal trapping efforts. Wolves can be attracted to traps set for other species, especially those set for coyotes. Several incidents in other states have involved incidental capture of wolves in traps set for coyotes. In one instance, the informed trappers knew exactly what to do and whom to contact. Authorities were able to reach the trap site in a short time period and radio-collar and release the animal. The trappers subsequently were given an award for their efforts.

As with the hunting community, trappers will need to be informed regarding wolf issues in Oregon. The Plan recommends using information pages in the ODFW trapping regulations similar to the hunting regulations. Licensed trappers also could be contacted by mail and provided pertinent information regarding what to do if a wolf is inadvertently captured. Presentations at organized trapping groups and information flyers at fur auctions would aid in reaching the trapping community. Trapping clinics put on by wolf specialists demonstrating ways to avoid accidental wolf capture would be especially helpful.

C. Others

Other groups of people who have a high likelihood of coming in to contact with wolves in the wild include, but are not limited to, livestock managers, rural residents, recreationalists, guides and packers, and forest workers/contractors. Some members of these groups may welcome seeing wolves and would seek them out, while others could view wolves as problematic to their activities. Regardless, each group must be educated about wolf behavior and the actions they should take to protect themselves if safety becomes a problem and to maintain wolves' natural fear of humans.

Methods to educate each of these groups include association meetings, neighborhood meetings, brochures at USFS offices, and newsletter articles sent to members of organizations. In addition, the strategies developed in other chapters, such as Chapter VII, Information and Education, will serve to educate these groups about protecting human safety and the wolf population.

D. Illegal, Incidental, and Accidental Take

Federal and state laws generally distinguish take that is permitted and take that is prohibited. The federal ESA provides that the federal listing agencies may prohibit the take of species listed under that law, and the federal agencies generally have chosen to make take illegal at the time of listing. The federal ESA does include provisions that allow the federal agencies to authorize take of a listed species even after they have generally prohibited take. This usually is done through an "incidental take permit" (issued with a habitat conservation plan) or through an "incidental take statement" (issued in connection with a federal agency's own action or an action the federal agency funds or authorizes). Federal law defines incidental take as take that results from, but is not the purpose of, an otherwise lawful activity. Incidental take is take that is a foreseeable consequence of otherwise lawful actions, such as pumping water for irrigation from a stream that is known to contain smolts at

the time of pumping. If the take is a foreseeable consequence of the otherwise lawful activity, under certain circumstances, a person may obtain a permit or statement that authorizes the incidental take. State law similarly authorizes ODFW to grant an incidental take permit for species listed under the state ESA. (ORS 496.172). Neither federal nor state law define “accidental” take, but presumably it would include situations where the take is not reasonably foreseeable by a person carrying out an otherwise lawful activity (such as an individual, lawfully driving a car, who strikes and kills wildlife).

Illegal Take

A person who kills a wolf can expect OSP and (provided the wolf is federally listed) federal law enforcement officers to investigate the incident and collect evidence. Depending upon the circumstances, the information collected may be used to proceed with a civil or criminal action.

Illegally killing any wildlife (including a wolf) is a Class A misdemeanor. (ORS 161.635). The first conviction could result in imprisonment of up to one year, and a fine of up to \$6,250. Subsequent convictions for taking game mammals illegally within a 10-year period following the first conviction can be prosecuted as a Class C felony, elevating the consequences to up to 5 years in prison and up to \$100,000 in fines. A conviction for illegal take as a misdemeanor or a felony requires a showing that the act that led to the take was done intentionally, knowingly, recklessly or with criminal negligence. (ORS 496.992; 161.085). Hunters have the responsibility to identify their target. Killing a wolf as a result of mistaking it for another species may still be considered intentional, knowing, reckless or criminally negligent take, subject to criminal penalties. If the act cannot be shown to have been done intentionally, knowingly, recklessly or with criminal negligence, then the act may be treated as a Class A violation, subject to a base fine of \$150 for nongame mammals, and \$299 otherwise. (ORS 153.018; 496.951). Criminal prosecution for violations of the state wildlife laws normally is done by district attorneys.

In addition to criminal penalties, ODFW may obtain civil penalties and damages for take of wildlife without a permit, or in violation of the terms of a permit, license or tag. Civil damages are defined by statute, and are \$800 for each game mammal; \$1,000 for each specimen of wildlife listed as threatened or endangered; and \$50 otherwise. Persons convicted of violating the wildlife laws also may lose hunting privileges for a period of 24, 36, or 60 months, (ORS 497.415(5)), and may be subject to forfeiture of property used in the commission of violating the wildlife laws (subject to limitations on forfeitures). (ORS 496.680).

Incidental Take

Neither federal nor state law distinguish between incidental and illegal take for purposes of determining criminal or civil sanctions. If the take is not authorized, it is illegal whether it occurs purposefully or as an expected consequence of otherwise lawful action. If an incidental take permit has been issued under federal or state law, and a person violates the terms of that permit, that violation could be an additional basis for civil or criminal sanction.

Under state law, the Oregon Fish and Wildlife Commission may authorize incidental take of state-listed species through an incidental take permit. However, ORS 496.172(4) prohibits the Commission from issuing an incidental take permit for a species that is federally listed.

Accidental Take

If the person did not intend to kill the animal (or act recklessly or with criminal negligence) then, under the Oregon wildlife laws, misdemeanor and felony penalties generally would not apply. Civil sanctions, including damages, could be sought. However, as a practical matter, civil sanctions are rarely if ever sought in accidental situations. The law does provide reporting requirements, even for accidental take.

Practical Applications

The following information describes how these legal principles concerning incidental and accidental take would apply to two potential situations. These situations are not exclusive; in careful compliance with the Oregon ESA and the wildlife laws, the Commission will address other situations that may arise concerning incidental or accidental take of wolves.

1. Damage trapping for cougar, bear, and coyote. Annually, ODFW and federal Wildlife Services negotiate an Inter-agency Agreement that authorizes Wildlife Services to trap cougar, bear, and other predatory animals in response to damage complaints from landowners. ODFW worked with Wildlife Services to amend the Inter-agency Agreement to address potential incidental take of wolves by Wildlife Services. Because there is the foreseeable possibility of taking a wolf while conducting routine business, the Commission (when statute allowed) issued an incidental take permit to cover Wildlife Services' trapping efforts. As noted above, the permit is written to minimize the take of wolves and to ensure that any such incidental take is consistent with conservation of wolves in Oregon. To enable the Commission to make the "minimal take" finding, damage trapping by Wildlife Services is required to follow a protocol designed to minimize take of wolves. ODFW staff worked directly with Wildlife Services in developing this protocol. ODFW and Wildlife Services will continue to work together to develop trapping protocols that will minimize incidental take of wolves while maintaining as many of the tools and methods as needed to address livestock depredation throughout the state. [Note: On August 4, 2010 federal protections for all Oregon wolves were reinstated under federal ESA and the incidental take permit issued to Wildlife Services by ODFW became invalid on that date.]
2. Trapping by trappers and landowners. Incidental take of wolves is possible by licensed trappers trapping for furbearers and landowners trapping for predatory animals. To deal with this, the Commission (when statute allows) will consider issuing incidental take permits for these situations. Conservation and "minimal take" findings would be necessary to authorize such permits. Through issuance of either individual or blanket incidental take permits, the Commission would impose conditions to ensure that such trapping would minimize take of wolves and would be consistent with conservation of wolves in Oregon. Also, ODFW staff will educate licensed trappers and landowners about techniques and equipment for avoiding the take of wolves, proper handling of trapped wolves, and whom to notify if a wolf is caught.

E. Strategies to Address Wolf-Human Interactions

Objective

- Minimize the potential for wolf-human interactions through development and implementation of a comprehensive public education program.

Strategies

- Develop and implement a comprehensive education program that prepares citizens to co-exist with wolves.
- Wolves found living within or near communities and causing human safety concerns shall be considered candidates for relocation. However, wolves that are known or suspected to have depredated livestock or pets will not be relocated.
- Inform the public about ways to avoid wolf interactions and appropriate responses to encounters with wolves.
- Share information regarding wolf locations or movements with the public as appropriate.
- Ensure agencies respond to reported wolf-human interactions in a timely manner and develop response protocols for reported wolf-human conflicts similar to those used for human interactions with cougars and black bears.
- Discourage activities that lead to habituation of wolves to humans. These include especially the leaving out of food or feeding wolves at campsites, work stations or other locations where wolves and humans share the landscape, including on private property or leased lands. Approaching wolves to obtain photographs or to hunt for suspected den sites also should be discouraged.
- Inform and educate the public regarding the importance of keeping pets vaccinated against rabies.
- Inform and educate the public about staying away from and immediately reporting suspected rabid wildlife to wildlife and animal control authorities.

Reports of wolf-human interactions will receive a high priority and will be investigated by Wildlife Services and ODFW, and evaluated on a case by case basis. Prior to reaching conservation population objectives, reported wolf-human safety concerns will be investigated and verified before control actions are initiated unless circumstances necessitate immediate action including lethal control. Protocols similar to those used in responding to cougar and black bear human safety concerns will be implemented. Non-lethal methods will be deployed initially unless the situation dictates a more aggressive response.

A comprehensive education program will be initiated to provide citizens an opportunity to become more informed regarding interacting with wolves (see Chapter VII). Emphasis will be placed on the proper response in the unlikely event of a wolf attack and upon encouraging precautionary behavior by humans.

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