

## Controlled Take (Special Status Game Mammal Chapter)

**Background of issue:** The current Plan contains standards including the use of controlled take as a management response tool to assist in some situations of chronic depredation and where wolves impact wild ungulate populations, and an increase in penalties for the illegal taking of wolves.

**Stakeholder Input:** Stakeholders are sharply divided on the issue of hunting as a management response tool, with some opposed to any type of planned or regulated take for management purposes. This includes the use of hunters and trappers as well as agency take of wolves in response to impacts on important feeding areas. Proponents cite the use of licensed hunters and trappers to assist ODFW wolf management as consistent with the general tenets of North American wildlife management for a number of wildlife species. In addition, some stakeholders expressed that managing game species in concert with each other and within available prey resources and management objectives is important.

**Discussion:** The game mammal standards within the current Plan are not new - they have been part of the Plan since its initial adoption in 2005. However, the standards (and the issue of controlled take) are primarily applicable to Phase 3 of the Plan. As the wolf population achieved Phase 3 level in eastern Oregon controlled take is now a cause of great concern for some stakeholders.

Throughout this facilitated process, the WPSR group has preferred to discuss other topics than controlled take except that the group was not in support of the use of "Special Permit Agents". As interest in discussing the topic has remained low, ODFW proposes that Plan language would eliminate "Special Permit Agents". Also, there is modified language regarding controlled take to address ungulate population management objectives. This text modification consists of using Federal 10j language to legitimize the intent of current Plan language. Otherwise, ODFW proposes to retain most of the [language found in the current Plan](#). There are, however, a number of key words and phrases to be addressed that could reduce ambiguity, provide parameters of when applied, and improve functionality of the Plan's game mammal standards. To improve clarity, ODFW would continue with the previous proposal to present these standards in a single chapter (e.g. Chapter III: Wolves as Special Status Game Mammals).

### **III. WOLVES AS SPECIAL STATUS GAME MAMMALS**

In 2009, the Oregon Legislature changed the status of wolves from protected non-game wildlife to a special status game mammal under ORS 496.004 (9). This change was called for in the 2005 Plan and allows ODFW to use existing, stable state and federal funding sources and existing field staff to include wolf management as part of their daily duties. These funding sources include both federal Wildlife Restoration grants (also known as Pittman-Robertson) and fees from the sale of hunting licenses.

The special status mammal classification recognizes the wolf's distinct history of extirpation and conflict with certain significant human activities as well as its distinct place in human social attitudes based on experiences and myths that span centuries. This classification is based on Oregon's management successes with respect to other large carnivores (e.g., black bear, cougar) but also recognizes the factors that make the wolf somewhat distinct from other large carnivores. The classification provides the most options for long-term management by retaining, in addition to protective measures, tools such as responsive hunting and trapping when required for management purposes, although these management tools would not be applied in the same manner as under a traditional game mammal or furbearer classification.

ORS 496.004(9) directs the Commission to define the substantive standards governing this special status game mammal classification. Therefore, the framework of this Plan and the provisions within satisfy this requirement, but also particularly the standards specific to this classification include but are not limited to those below.

1. While in Phase I and II, wolves are protected consistent with the direction outlined in the Plan
2. In Phase III, Controlled Take by permit authorization through hunting and trapping may be used in in two circumstances as a management response tool to assist ODFW wildlife conservation and management efforts.
  - a. Chronic livestock depredation in a localized area
    - i. The take will only address a chronic depredation situation in a specific or local area, and
    - ii. The take will not impair population viability or reduce overall population health factors within the region.
  - b. Wild ungulate populations not meeting established management objectives or herd management goals
    - i. ODFW has determined that wolves are a major cause of the population not meeting established ungulate objectives or herd management goals (e.g., movements, use of key feeding areas, survival rates, nutrition, or other biological factors) and that the controlled action is expected to improve the situation.
    - ii. The take will not impair population viability or reduce overall wolf population health factors (i.e., factors related to survival rates, reproduction, dispersal success, territory establishment, immigration and emigration, etc.) within the region.
3. In addressing appropriate management response to wild ungulate impacts per the above criteria, ODFW will consider the following factors; 1) data or other information indicating that wolves are a major cause of wolves not meeting objectives, and 2) ability to address the situation through non-lethal means, and 3) the level and duration of wolf removal necessary to remedy the situation, and 4) ability to measure ungulate response to management actions, and 5) identification of other identified major causes of an ungulate population not meeting

- objectives and attempts made to address them.
4. Controlled take per the above criteria would be by ODFW permit authorization only, and targeted at wolves in a specific area or situation experiencing the above-mentioned conditions that warrant a management response.
  5. General season hunts (e.g. seasons open to holder of appropriate license and tag without restriction to number of participants) are not permitted. Controlled hunts (e.g. planned hunts or seasons where the number or distribution of hunters is limited through a public drawing or other means) require Commission approval through the planning and hunt development public process.
  6. In the circumstances where controlled take is authorized, trapping may be used for lethal management control. Before receiving a permit authorization from ODFW, trappers must be approved by ODFW. This ensures that both equipment and methods are best suited to the desired management outcome.
  7. In an effort to inform future actions and wolf planning related to this section, ODFW will monitor the results and evaluate the impacts of any wolf removal under this section.

### **Other Considerations**

Other provisions related to the special status game mammal classification are:

- The maximum enforcement of applicable statutes imposing penalties for harming or killing a wolf illegally has been sought by the State. In 2016, the Oregon Legislature amended ORS 496.705 to increase the penalty for unlawful taking of gray wolves from \$1,000 to \$7,500. The Oregon State Police administers a TIP (Turn in Poachers) reward program through the Oregon Hunters Association specifically for citizens who turn in or provide information leading to the arrest/conviction of someone who has illegally killed a wolf or other wildlife. Previously, only cash rewards were provided but in 2017, the Oregon Legislature amended ORS 497.112 to allow cash or hunter preference points as a reward.
- Where consistent with the above, Oregon's wildlife laws, wildlife damage statutes, and other related statutes remain applicable to this classification.
- Nothing in this classification would otherwise change legal options available to livestock producers and other citizens under this Plan or other current law aimed at addressing wildlife damage, livestock protection, and protection of human life.

## Current Wolf Plan Language

### A. Wolf Legal Status (page 35)

Wolves are classified as an endangered species under the Oregon Endangered Species Act. Following delisting from the state ESA, wolves will retain their classification as special status game mammal under ORS 496.004. During the 2009 Oregon Legislative Session, the status of wolves changed from protected non-game wildlife to a special status game mammal. Thus, this section (F) was brought from Appendix P in the 2005 Plan.

#### Objective

- Re-classify the legal status of the gray wolf to “special-status mammal” within the “game mammal” category in ORS 496.004(9).

The status would not preclude the use of **controlled take** through hunting and trapping in response to management concerns. While listed as an endangered species in Oregon the wolf would be protected consistent with the direction outlined in the Plan. Special status mammal classification allows ODFW use of a wide range of management tools to advance the conservation and responsible management of wolves.

#### Strategy

- ODFW will request through the legislative process that the “game mammal” definition in ORS 496.004(9) be amended to add the gray wolf, additionally labeled as a “special status mammal” within that definition.

Through a public rulemaking process, the Commission shall define the substantive standards governing this classification to include but not be limited to those below.

- **Controlled take** of wolves would be permitted as a management response tool to assist ODFW in its wildlife management efforts only after the wolf population objectives in the region to be affected have been exceeded and other biological considerations indicate the use of these management tools would not result in the impairment of wolf viability in the region. **Controlled take** would be authorized as a response to:
  - 1 chronic livestock depredation problems in a localized region where wolf population levels have grown to beyond stable levels; or
  - 2 any wild ungulate population is experiencing population or recruitment declines below MOs in a WMU, or locally, that can be attributed to wolf predation.

These scenarios are designed as management response mechanisms should the condition arise where continued growth of a healthy wolf population has proven to impose unacceptable levels of conflict with livestock and/or wild ungulate populations. The use of these management tools is designed to respond to the interests of hunters and trappers, as well as the interests of protecting livestock and healthy levels of wild ungulate populations.

- **Controlled take** would be permitted by ODFW through a license program and targeted at wolves in a specific location experiencing the above-mentioned conditions that warrant a management response.
- A **controlled take** program for wolves would require: 1) wolf population objectives

for the wolf conservation region have been exceeded; and 2) other biological considerations indicate the use of this management tool would not impair wolf viability in the region.

- General season hunts would not be permitted.
- Trapping would be used as a management tool for both lethal and non-lethal management control. Before receiving a license/permit from ODFW, trappers must be certified by ODFW. Where lethal control is the desired management response, such trappers would be permitted to keep the wolves they have trapped under these prescribed circumstances.
- Maximum enforcement of applicable statutes imposing penalties for harming or killing a wolf illegally would be sought by the State. Rewards would exist for citizens who turn in or provide information leading to the conviction of someone who has illegally killed a wolf; such as those offered by other entities Defenders of Wildlife and the Hells Canyon Preservation Council.
- Where consistent with the above, Oregon's wildlife laws, wildlife damage statutes, and other related statutes would otherwise remain applicable to this classification. Nothing in this classification would otherwise change legal options available to livestock producers and other citizens under this Plan or other current law aimed at addressing wildlife damage, livestock protection, and protection of human life.

Wildlife are managed in Oregon under the Oregon Wildlife Policy (ORS 496.012) which states in part: "wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state." The policy includes seven co-equal goals for wildlife management by which wolves will be managed after the goals of this Plan are achieved and after they are de-listed.

The special status mammal classification recognizes the wolf's distinct history of extirpation and conflict with certain significant human activities, as well as its distinct place in human social attitudes (revered by some but reviled by others) based on experiences and myths that span centuries. This classification is based on Oregon's management successes with respect to other large carnivores (e.g., black bear, cougar) but also recognizes human and wolf behavior factors that make the wolf somewhat distinct from other large carnivores. It provides the most options for long term management by retaining, in addition to protective measures, tools such as responsive hunting and trapping when required for management purposes, although these management tools would not be applied in the same manner as under a traditional game mammal or fur bearer classification. This would serve the interest of adaptive management capability.

Cougar and black bear, as large carnivores, provide a relevant example for wolf conservation

discussions. Both species were unprotected in Oregon through the first half of the 20<sup>th</sup> century. These animals were shot on sight, trapped, or poisoned without restriction. In the case of cougars, the State offered a bounty payment to citizens that killed cougars and redeemed them for payment.

Populations of both species were reduced to such low levels that citizens and the Oregon State Game Commission (now the Oregon Fish and Wildlife Commission) approached the Legislature to enact laws protecting them from indiscriminant take. Both became classified as

game mammals, the same status as deer and elk, and received all the same protections provided by the wildlife laws. Through time, as populations began to increase, limited hunting seasons were authorized in areas experiencing damage. Today, both cougar and black bear species are considered common and widespread in Oregon. Hunting seasons have expanded to statewide general seasons in response to growing numbers and range expansion. Management Plans now guide hunting seasons and other actions taken by biologists to protect and manage the species.

It is well established that ensuring human tolerance for large carnivore species requires many tools and strategies.

While game mammal status has potential for attaining the long term conservation and management goals intended for the wolf in Oregon, certain modifications to the traditional game mammal status approach are appropriate with respect to the wolf: These distinctions, as components of this Plan, will be built into the administrative rule(s) applicable to the special status mammal classification.

This classification is intended to allow ODFW to use existing, stable state and federal funding sources and existing field staff to include wolf management as part of their daily duties. These

funding sources include both federal Wildlife Restoration grants (also known as Pitman-Robertson) and fees from the sale of hunting licenses.

## **Strategies to Address Livestock Conflict (page 43)**

### **Text from page 45**

When Phase III is reached, non-lethal techniques will remain the first choice of managers in dealing with conflicts. However, more emphasis may be put on lethal control to ensure protection of livestock if it can be demonstrated that non-lethal methods are likely to put livestock at substantial risk. In areas where chronic wolf problems are occurring, wolf managers may seek assistance from private citizens through special permits for **controlled take** to resolve conflict. In addition, liberalized options for lethal control by livestock producers will be considered in consultation with wolf managers in circumstances where such activities can enhance the probability of relief for the livestock producer.