

OREGON WOLF CONSERVATION AND MANAGEMENT PLAN (WOLF PLAN)

WOLF PLAN STAKEHOLDER REPRESENTATIVE (WPSR) WORK GROUP

Compiled Responses to Questions for WPSR to Help Define the Proposal

Note: Please consider the following responses as initial thoughts and not final positions. There is a hope that all Work Group members want to continue conversations and may refine positions as you proceed as a group. Additionally, Rocky Mountain Elk Foundation provided summary remarks and they are included at the end of this document.

I. INTRODUCTION

The Oregon Wolf Plan Stakeholder Representative (WPSR) Work Group discussed various matters at their November 5, 2018 WPSR Work Group conference call and are seeking resolution on key topics. This document provides the outline for the proposal discussed at the October 9 meeting, and then provides a compilation of member responses to thirteen questions distributed at the November 5 conference call to help define the proposal.

II. OUTLINE OF PROPOSAL

As proposed by members of the Wolf Plan Stakeholder Representatives (WPSR):

PROPOSAL:

1. Funding comes in from the State of the Oregon and Other funders to provide resources to livestock operators to develop operation specific gray wolf nonlethal deterrence plans
2. ODA/ODFW meets with the Rancher/Farmer to discuss Livestock operations
3. The operator develops a non-lethal conflict deterrence plan specific to their operation, it includes a review of fiscal expenditures to implement their nonlethal deterrence methods
4. The plan is approved by ODA and ODFW
5. All non-lethals (as feasible/reasonable) are deployed as prescribed in the plan
6. If chronic depredation occurs (as described in the OR Wolf Conservation and Management Plan) a lethal request is sent to ODFW
7. ODFW confirms the plan has been implemented and authorizes a form of lethal control to address the chronic depredation
 - If rancher/farmer does not have a nonlethal deterrence plan or does not follow/implement their plan
 - Then, no lethal request is allowed; not eligible for lethal control
 - Can still apply for compensation

III. COMPILED RESPONSES TO QUESTIONS FOR WPSR TO HELP DEFINE THE PROPOSAL

1. Is the proposal described on pg. 1 accurate? Or does it need further clarification?

- *Cascadia Wildlands*: The role of ODA v ODFW needs to be clarified. I believe from the last call it was clear that ODA is not equipped to handle this type of responsibility which ODFW has handled for the past decade. I believe ODA is responsible for the compensation side/ODFW responsible for conservation/management side. It has been and I believe continue to be the responsibility of ODFW to meet with producers and they together develop the conflict deterrence plan. The plan need only be approved by ODFW not ODA (ODA has a separate process for compensation purposes). These plans also include only non-lethals that are feasible and reasonable, therefore we do not need a determination on whether or not they were feasible or reasonable at the deployment stage.

These plans should be made publicly available and should be open to comment and adaptation, but not after the fact (meaning that if depredations begin and parts of the plan are not being implemented, ODFW cannot say that those elements of the plan were not reasonable or feasible (reasonableness and feasibility should already have been addressed at the development of the plan stage)).

The issue of whether lethal control is required as opposed to ODFW has the discretion to go to lethal is an issue that was addressed at length in the previous settlement discussions. ODFW's point the last go-around was that it was impossible for them to commit to killing wolves every time chronic depredation standard is met because of potential financial or other limitations on the agency that it has to consider. However, we have never reached this point, and what the conservation community can commit to is not opposing lethal control orders where a plan has been developed and is being implemented and we get to chronic. This appears to be an area of trust development between the agency and producers.

- *Center for Biological Diversity*: Roles of ODFW versus ODA in discussing and approving livestock operation with Rancher/Farmer to devise nonlethal deterrence plans per (2) and (4) must be clarified. At our last meeting, statements by WPSR participants and by some members of the public made it clear that ODA is involved in the compensation aspect of livestock-wolf conflicts, and does not have the expertise, staff resources (and possibly does not have the desire) to be involved in helping develop or approve site-specific conflict deterrence plans. It is essential that agency staff involved in this process DO have experience with wolves and how to prevent livestock-wolf conflicts, as well as the ability to engage in fruitful dialogue with individual livestock operators to hear what they have to say about their operations. This best ensures ODFW can give appropriate advice and enable ODFW to know if a devised plan should be

approved or not. It appears that the relevant staff are from ODFW, not ODA, so this should be clarified.

Adding in the words “feasible, reasonable” seems to presuppose that unless those words are added in, the nonlethals that are selected for use won’t be chosen with the thought in mind that they should be feasible or reasonable. The whole point of having the discussion take place between ODFW and the rancher/farmer is to identify those nonlethals which are feasible and reasonable, but also that the nonlethals selected are appropriate for the circumstances (type of operation, type and age of livestock, time of year, type of terrain, whether a small fenced pasture or a multi-thousand acre grazing allotment). If adjectives are necessary, then “appropriate” as well as “feasible and reasonable” ought to be included.

- *Defenders of Wildlife*: It’s close but we need to better define the protocol process and add an Extension component to help analyze the economic benefits and costs for changing their practices. The proposal also needs further clarification (e.g. roles, funding sources, methods, etc).
- *ODFW*: Based on conversation during the 11/5/2018 WPSR meeting the proposal is not adequately clarified. It appears to be missing adding in cost-analysis of non-lethal efforts by operators, and provides Step 7 in place of Step 4 as listed on the whiteboard. ODFW indicated livestock management experts are required to develop non-lethal deterrent plans. ODFW provides expertise on wolves, not livestock.
- *Oregon Farm Bureau and Oregon Cattlemen’s Association*: The plan needs significant additional clarification. OFB has attached an annotated version of comments on the plan that contain the basic things that we would need to see resolved before being able to make a decision on this plan. We note that without seeing the mock up plans and without clarity on a number of points raised in our comments and through these questions, we think it’s premature to take a position on this proposal, and reserve our right to alter or modify our responses as we learn more about the plan and what was envisioned with the questions below.

Importantly, we think the plan requires additional clarity around the various “off ramps” – including whether lethal take is allowed if funding is not available for plan implementation and whether private lethal take is allowed if the landowner opts not to participate in the plan creation process. If the plans are not fully funded, our membership feels strongly that ODFW must still be able to move to lethal take in the event of chronic depredation. Not funding the plans cannot be a barrier to lethal control.

Ranchers will want to use any non-lethals that actually work in their area and where funding is available to help with implementation. As such, we generally do not believe that we need to

have specific non-lethal plans because ranchers will have every business incentive to use non-lethals that actually work and are funded. However, we understand that the non-lethal proposals came from a desire by the conservation community to know that non-lethals are being completed before lethal take is contemplated. We also think it would be positive for all stakeholders to have a stronger understanding of how much non-lethals cost on the ground, and we need clarity on how they are going to be paid for. If this proposal is pursued, we want to ensure that lethal take will be pursued when a non-lethal plan is in place after a low number of depredations (after one kill).

At any rate, significant additional information is needed – including agreement on the answers to the questions below – prior to us being able to fully evaluate the proposal.

- *Oregon Wild*: Here is Oregon Wild's response that was sent to the stakeholder group before the November 5th conference call.

What is the role of ODA vs. ODFW? We would argue for a more central role for ODFW. These non-lethal criteria are framed up as a way to prevent livestock loss and avoid needing to consider lethal control, but also as a requirement for lethal control. Given the agency's expertise and that killing wolves is the most consequential action ODFW can take in wolf management it makes a lot of sense for the agency to have a strong role in drafting and supporting the implementation of these plans.

Including some mechanism for transparency and public communication. On the planning end and for implementation it will be important for ODFW to communicate with the public about what is included in these non-lethal plans and how they are being implemented. It seems there are many steps in the process (plan drafting, depredation incidents, etc) to communicate this to the public and solicit feedback.

It is important to make sure that ODFW bullet #7 and the whiteboard bullet #6 from October 9 (see image) are harmonious. When prior criteria have been met, it should serve as a green light for ODFW to have the authority to consider lethal control, not an automatic issuance of such.

In bullet #5, the "feasible/reasonable" language is an addition from what was on the whiteboard. It seems that these plans should be feasible and reasonable from the start - as well as sufficient. Inserting this qualifying language undermines the goal of accountability that we are trying to achieve with these pre-approved plans. If designed (*note that incomplete sentence was submitted this way*)

2. Who approves and monitors these individual plans? What does that process look like? How are disagreements resolved?

- *Cascadia Wildlands*: ODFW approves and monitors. I believe how this looks in WA is that the agency meets with interested producers, develops a plan together, but ODFW has final say on what is required in a plan or not.
- *Center for Biological Diversity*: ODFW staff with experience in livestock-wolf conflicts and which tools are most appropriate for what types of circumstances should be the entity to approve the plans, and should be involved in monitoring to ensure they are being implemented and implemented fully and effectively. Part of that monitoring would ideally include regular dialogue and check-in between the livestock operator and ODFW. It could be valuable to create worksheets for each type of nonlethal tool being used, that get shared between ODFW and the operator. If both ODFW and the rancher/farmer are completing and comparing worksheets, it will become quickly apparent if there is disagreement and rapid ability to discuss to resolve the disagreement. Such worksheets, however, should not simply be checklists, but rather a means to record information.
- *Defenders of Wildlife*: This should also be discussed further but ODFW should oversee the process and approve the plans. At this point, it would likely be the county wolf/livestock committees monitoring compliance, managing disagreements, and reporting to ODFW and ODA.
- *ODFW*: As currently proposed it appears only ODFW assists landowners with writing their plans, and approving the final product. As we heard on 11/5/2018, proponents of this plan as well as WSPR members reviewing it do not think there are resources in ODA's or local counties to assist. ODFW does not have personnel or funds to work on and approve all possible plans for every landowner that would need one. There are far more wildlife related conflicts with elk, cougar, bear and deer across the state that are higher priorities due to frequency and number. The current process for assessing whether or not lethal take of wolves is authorized depends on non-lethals that are utilized on the ground by producers. The authority to allow lethal take is solely ODFW's therefore decisions on adequacy of non-lethals is solely ODFW. Disagreements are resolved solely by discussion between producers and ODFW as well as documented verifiable non-lethal implementation prior to depredation. No timeframe is identified therefore process duration (i.e. start to completion) is unknown.
- *Oregon Farm Bureau and Oregon Cattlemen's Association*: We think that it is critical that there is a clear process for resolving disputes between producers and ODFW/ODA regarding what's

required in a plan and whether funding is actually adequate to fund the plan. To the extent that these plans require approval from any entity (which seems contingent on whether this proposal is tied into any chronic depredation standard), we think there needs to be a role for both ODFW and ODA in this process, with no ability for outside groups to challenge that approval or change the plan. However, if landowners have a dispute with the agencies on their plan, then there should be an agreed upon process to resolve that dispute without that process causing a significant delay. Ideally, plans are just negotiated between the local biologist and the rancher and work for both parties.

Additionally, there should be a clear and simple process for approval and monitoring – it cannot be complex or subject to third party contest or appeal.

- *Oregon Wild:* We believe this is ODFW's role. In the interest of transparency, accountability, and simply having the best possible outcomes, draft deterrence plans should be subject to public review and comment that ODFW will meaningfully incorporate into final plans that are shared with the public.

3. How often are plans updated? How are plans modified? Are plans specific to producers or properties (i.e. is a new plan required if a property changes ownership or producer changes allotments)?

- *Cascadia Wildlands:* Again, plans can definitely be adaptive, but this should not occur as explained above retroactively after depredations have begun and the plan was not being implemented. If ODFW and the producer determine that additional steps can be taken to prevent future depredations of course these plans can be updated and adapted. If property changes hands it will be the responsibility of the new owner/producer to approach ODFW if it wants to opt in to the program.
- *Center for Biological Diversity:* If there are predations after a plan has been in place, the plan should then be updated to reflect what nonlethal measures may be effective versus those which are not and if tools and strategies need to change. Even if no predations occur a yearly check-in would be of value to account for other changed circumstances. Wolf presence may change from one year to the next and if wolves show up in an area more regularly in a place they were previously only passing through, it could be a reason to update the plan and strategies. If there have been no changes, no update would be needed. The plans should be specific to the conditions on the property and to the owner/lessee., so if private property or a grazing allotment change hands, a new plan evaluation should be done with the new owner/lessee.

- *Defenders of Wildlife*: The site plans should require evaluation every 5 years unless there are increased wolf activity/depredations on or near the site or a significant change in livestock management (e.g. new type of livestock such as cattle instead of sheep, disease outbreak, significant increase or decrease in number of livestock, etc). Increased risk or depredation events should prompt a new evaluation to determine why or if the nonlethal measures failed and how to best resolve the situation.
- *ODFW*: “The specific plan” characterization would seem to indicate these are written to the seasonality, live stock type and location of the operation. If any of that changes it would need to be revised. New owners are likely to change the operation to a degree warranting review. Also, should new information become available (e.g. new resources, tools, collaborations, etc.), a revision could be proposed by ODFW or the operator, but again it is assumed the need for an update and revision content would be approved by ODFW.

On 11/5/2018, we did not hear from any party reducing the number of plans from the current number of livestock operators in Oregon. As noted in the answer to question 2, it is not feasible to require plans of each livestock operator if the process is dependent on one agency assisting with drafting, approving and modifying as needed. Therefore, revisions to plans would require nearly equal time allotment to complete and would require negotiation between ODFW and producer as to why the plan has to change. In rule, preventing and addressing depredation is tied to a particular location, therefore lethal take authorizations do not follow from one area to another.

This proposal is not solely for NE Oregon, if implemented it will apply statewide. Non-lethal wolf deterrent plans must meet the needs of livestock owners across the state. The scope of these plans needs to be reduced, defining who actually needs them and what purpose they serve. As currently written, the plans are tied to the compensation program, in 2018 only 10 of 36 counties were enrolled. ODFW has investigated wolf depredation in the Coast range, Cascade Range and across Eastern Oregon. If compensation is a back-up for those producers without a plan, then the majority of landowners are operating outside of the compensation program.

- *Oregon Farm Bureau and Oregon Cattlemen’s Association*: Once a plan is in place, it should remain in place unless the producer significantly changes their operation or approaches ODFW with concerns about the workability of the non-lethal measures. Plans should be producer specific and should cover the entirety of a producer’s operations, allowing for any changes in grazing schedules or allotments that might occur throughout the year. If the producer had to have a plan for each property or update their plans anytime they have a small change in operation, that would be chaotic and unworkable for producers.

- *Oregon Wild:* In order to implement best non-lethal practices for the site, plans should be regularly reviewed and updated. This should always be done when a plan fails to prevent conflict and chronic livestock predation occurs. Plans should also be modified as new tools and information becomes available.

4. Is lethal take allowed on those properties without a plan? Are properties without a plan treated the same as properties that do not follow their plan? Does size or type of livestock matter?

- *Cascadia Wildlands:* No. This incentivizes producers to develop plans with ODFW that prevent conflict. Otherwise there is no incentive. If ODFW determines that a plan is not being followed no lethal. Size and type of livestock should be addressed in the plans themselves.
- *Center for Biological Diversity:* Lethal take would not be allowed on a property with no plan, and would not be allowed for properties that did not follow their plan. “Not following their plan” also includes when nonlethal measures set forth in a plan were not fully or effectively used. For instance, if a plan includes a requirement of removing sick and injured livestock, but instead, recently injured livestock are discovered to also have older, healing injuries incurred weeks before, it cannot be said the plan was effectively implemented. Leaving livestock on the range with injuries constitutes an unnatural attractant which may continue to draw in predators.

We should discuss type of livestock when we get to a discussion of a standard for chronic predation but not at this stage of simply laying out the framework of this 7-point proposal.

- *Defenders of Wildlife:* Lethal control provided by the state or federal government should not be available for property owners/managers who refuse to implement minimum reasonable nonlethal measures as identified within their site plan and the state wolf management plan.
- *ODFW:* As written, lethal take at the producer’s request would not be allowed on properties without a plan, regardless of property size, type, etc. The current proposal makes no exemptions for properties without a plan or those that do not follow their plan.

Again, scope is an issue here, the average ranch and farm is 400 acres in Oregon, but Oregon has four of the ten largest ranches in Oregon greatly skewing those numbers. Most livestock operators state-wide are smaller operations, that do not have extensive pastures for their livestock and their non-lethal deterrence is to fence out or maintain simple human presence to deter wolves, coyotes and other predators. A plan may be relatively simple for them to write, and I question the need for extensive review by a wildlife biologist or ODA livestock expert.

However, if depredations occur the wildlife damage statute says they will be responded to in the same way as larger operations.

- *Oregon Farm Bureau and Oregon Cattlemen's Association:* It seems like plans should be drafted such that size of operation or type of livestock is not a factor, though we continue to believe that depredations should be counted by animal and not by event. At the very least, ODFW should be able to allow take on properties without a plan or to count events on properties without a plan if the producer did not cause attraction of wolves. There should also be provisions that allow for substantial compliance with non-lethal plans such that ODFW can move to lethal take upon substantial compliance with the plan.
- *Oregon Wild:* No, kill orders should not be issued for livestock predations that occur on properties without a plan. This is the foundation of the proposal. Livestock managers do not have to comply. However, if they want the state to consider killing wolves, they must take these minimal measures to try to prevent conflict from occurring.

5. Are producers going to create non-lethal plans for public land allotments? If yes, then can we utilize a requirement that livestock owners move their cattle from one allotment to another when we order it, if it is the best non-lethal deterrent?

- *Cascadia Wildlands:* Yes. Moving cattle allotments on federal land is complicated, but if the plan is discussed and developed in conjunction with the relevant federal agency then perhaps this could be considered an option. Gets to the feasibility considerations when developing the plan (obvious an illegal requirement to move cattle will not be required).
- *Center for Biological Diversity:* Wolves should not be killed on public lands allotments nor killed for livestock predations which occur on public lands allotments. However, if the revised Oregon Wolf Plan is going to allow the killing of wolves on public land allotments and/or the killing of wolves for livestock predations which occurred on public lands allotment, then nonlethal plans should be created for allotments. This will require involvement and input from the federal land management agencies responsible for managing those allotments.

If moving from one allotment to another is going to be the best, most effective nonlethal deterrent in a given circumstance, then a requirement to move the cattle should be a strategy that can be employed. As above, this would require consultation, while planning, with agency staff from the land-managing agencies.

- *Defenders of Wildlife*: Many producers cannot develop their own plans or they would be doing so now. The plans should be done by a team of experts, including other ranchers with direct experience in successful nonlethal implementation (and ODFW, USDA WS, ODA, University and Extension, and/or NGOs, etc) working with the producers to tailor a site-specific plan. We have helped ranchers implement similar plans and the collaborative expert approach works very well.
- *ODFW*: This was posed by ODFW to determine whether the private and public lands issue was significant to these plans. Damage on public lands where the operator has the right to legally occupy is currently addressed the same way as private lands. This would take a statutory change to modify that. Additionally, movement of cattle on public lands is not always possible based on the Federal Land Managers criteria and rules. However, if movement option should be considered as a non-lethal deterrent, only the operator or Federal land manager would know if this is even plausible under their grazing plan. This illustrates the highly probable requirement to include Federal Land Managers in plan development and potentially evaluation of non-lethal use (i.e. successful plan implementation).
- *Oregon Farm Bureau and Oregon Cattlemen's Association*: Plans should cover the entirety of a producer's operations, but non-lethal plans on public lands should account for the limitations associated with ranching on public lands (not all non-lethals would be allowed by the land management agencies). At any rate, the state cannot require livestock owners to move their cattle in the event of wolf presence; instead, the wolves must be moved. Ranchers' allotment management plans and annual operating plans dictate when they can move pastures and how long they can remain in any pasture, and the state cannot change that. Even on private land, ecological and environmental conditions, as well as available land supply, constrain when certain pastures can be used. As such, we believe that moving livestock to new pastures should not be required as a non-lethal measure, though ranchers may agree to it as resources allow.
- *Oregon Wild*: Yes, and yes. If producers want the state to consider killing wolves on their behalf, they must implement non-lethal plans to prevent conflict. If it's decided that moving cattle from one area to another is most likely to prevent additional conflict, that should be included in the plan. ODFW and the relevant public lands agency should work together to ensure sufficient flexibility.

6. The definition of chronic depredation is recommended to be revised, how does this modify support for the proposal? If additional funding for non-lethals (more than currently available) isn't found, how does this modify support for the proposal?

- *Cascadia Wildlands*: Conservation groups think the current threshold for chronic depredation (2 depredations with no time consideration) is not sufficient. Our support and efforts to raise funding for non-lethal preventative measures and compensation will be in exchange for a definition of chronic we can live with.
- *Center for Biological Diversity*: Support for the proposal by the conservation community is contingent on our support of many – if not all – pieces of the proposal. The conservation community wants a wolf plan that will be implemented by ODFW in a way that is transparent and enforceable, and that there is accountability. Not just accountability by the agency for its decisions and actions, and not just accountability by livestock owners to fully and effectively implement the nonlethal measures in their plan -- but also that there is accountability to the conclusions of best available science. If the definition for chronic depredation is one which meshes with best available science, and is thus the most likely to result in fewer wolves killed and fewer livestock killed, that will increase support for the proposal by the conservation community. The converse also is true. Lack of sufficient funds at the outset is not a valid reason to kill wildlife. We are all here with intentions to create solutions that we know will need funding, if we can agree on what those solutions are, we all have incentive to work to secure the needed funding.
- *Defenders of Wildlife*: This should be vetted by the group but chronic should mean the same as “acute” in terms of impact. Some occasional loss of livestock should be tolerated, particularly on public land and when compensation for those losses are provided. Occasional, minimal losses should not be considered chronic.
- *ODFW*: Finding agreement or not on the definition of chronic depredation is one of the major issues that prompted this facilitated process and is therefore, a contentious issue and one that has been repeatedly presented for discussion. When the proposal was first presented by a WPSR member, it was stated that agreement on the definition of chronic depredation is necessary for the proposal to be accepted. As such, it is likely that members would not support the proposal if they disagree with the definition of chronic depredation.

By scope the feasibility of this proposal is questionable. Any involvement of an agency (ODFW, ODA, County) requires funding to support their efforts in assisting with the development of

plans. Until funding is found, and vetted through the entity responsible for approving agency budgets (Legislative Fiscal Office, County Budget Committees) this workload is unmanageable. Any agency will fail without dedicated resources to accomplish this task, and a backload of plan development and evaluation will ensue. It is likely this would cause a decline in support for wolf management.

- *Oregon Farm Bureau and Oregon Cattlemen's Association:* If we were to agree to this proposal, we would need to ensure that lethal control would be utilized after a low threshold of depredations, we recommend one depredation before moving to lethal take. For us to support this proposal, we would need to ensure that an off ramp exists, such that non-lethal measures are not required before lethal control if funding is not available. We will not be able to support a proposal that puts funding non-lethals on the backs of ranchers, with no built in "off ramp" when funding isn't available. Effectively, if there's no funding for non-lethals, ODFW should be able to move to lethal control once the depredation threshold is hit.
- *Oregon Wild:* These discussions are likely to lead to a web of agreements. The definition of chronic depredation and funding for non-lethal conflict avoidance are both key parts of the whole plan and related to each other. When implemented earnestly and appropriately, non-lethal conflict prevention has been proven to be highly effective in Oregon and across the West, but it will not eliminate all instances of livestock predation. Recognizing this, any plan should include a legitimate definition of chronic depredation that gives responsive, non-lethal tools adequate time and space to work. If the threshold for authorizing kill orders for wolves is lowered too far and/or requirements for non-lethal are insufficient, we will have abandoned the principle (embedded in the wolf plan from its initial draft - and agreed to by stakeholders) that killing wolves is an option of last resort.

7. What happens if a chronic depredation event occurs on a landowner's property who has a plan, and then the second or third event occurs on adjacent/adjoining landowner's property who does not have a valid plan?

- *Cascadia Wildlands:* The producer requesting lethal control must have a plan being implemented and must meet chronic threshold. If a producer is not experiencing losses that are not chronic, that producer is not being burdened to the extent that lethal is necessary. We have to be careful not to go down the rabbit hole that every instance of depredation requires a lethal response, this is why we have compensation.

- *Center for Biological Diversity:* When livestock predations occur on property that does not have a plan in place, those predations would not qualify to be counted against a wolf (or wolves) to meet a definition of chronic depredation. Bearing that in mind, when developing plans for a particular livestock owner/property, strategies should be discussed on how best to engage neighbors into joining in the efforts.
- *Defenders of Wildlife:* This should be open to a broader discussion among the stakeholders but any nearby depredation should trigger an evaluation of plans so that the most reasonably effective nonlethal measures are applied. Neighboring livestock operations should likely be made of aware of increased risks due to carcass pits, unprotected livestock, etc.
- *ODFW:* The proposal only prescribes lethal control if a producer has a plan. However, this landowner may be part of a depredation scenario, where to reach the chronic depredation threshold one of his neighbors (with or without a plan) has the other qualifying event. As written, chronic depredation could be met but lethal could only occur in the area where the land applies (i.e. areas lawfully occupied by the producer).

Currently, administrative lethal control is not tied to a specific landowner's property; it is accomplished in a defined area of known wolf activity. Regardless of the number of landowners experiencing depredation by wolves the issue is addressed as needed. However, property ownership may be tied to issuance of kill permits to landowners so in certain circumstances they can help administratively remove the set number of wolves, or proactively remove wolves on their land before the move to "caught in the act" status.

Currently in this situation, ODFW biologists would look at the non-lethal deterrence activities of all affected landowners in the chronic depredation scenario. The response to a lethal request would incorporate all that information for decision-making.

- *Oregon Farm Bureau and Oregon Cattlemen's Association:* This question illustrates the many challenges with this proposal. We think that if a landowner has participated in this planning process, and experiences loss, and those wolves also cause losses on adjoining lands, the agency should be able to move to lethal take on those wolves, because they did take livestock where a plan was in place and the non-lethals clearly were not a deterrent for them.
- *Oregon Wild:* How often has this occurred in the past? See our response to question 4. If a livestock predation event occurs on a property where a valid plan is not being faithfully implemented, it does not count towards the consideration of chronic livestock predation.

8. A) If a non-lethal technique outlined in a plan is not consistently or fully implemented, whose responsibility is it and is lethal take allowed (for example a range rider takes a few days off)?

- *Cascadia Wildlands*: Lethal take is not allowed if ODFW determines that the plan is not being implemented, however public disclosure of these plans will be key in building trust in these determinations with the public. Lethal becomes available when the chronic threshold is met, but ODFW has discretion based on all of the factors it needs to consider about when it moves to actually kill the wolves.
- *Center for Biological Diversity*: If a technique is not consistently or fully implemented, it would be necessary to determine who was responsible for the flawed implementation – ODFW staff, the livestock operator or some other unforeseen event. However, identifying who was responsible is simply for the purpose of that person/entity learning from the flawed event how to avoid the failure in the future. Identifying who was responsible does not determine if lethal take is allowed. If the technique was not consistently or fully implemented, no lethal take of wolves is allowed.
- *Defenders of Wildlife*: There should always be nonlethal measures in place even when riders take time off. That can be herd management, extra deterrents, etc.
- *ODFW*: As written, ODFW is tasked with evaluating the implementation of the plan that was an agreement between the agency and the producer. Outside resource/funding aside, it appears the responsibility for implementation when evaluating plan compliance falls on the producer. No exemptions have been identified.
- *Oregon Farm Bureau and Oregon Cattlemen's Association*: If a non-lethal is the responsibility of the state and/or is dependent on outside people or resources and the rancher is still fully participating, it is not the ranchers' fault if the plan is not implemented and take should be allowed in those scenarios. Failure to comply should only count against a rancher where the rancher has failed to live up to something they agreed to, not where resources are not available, where other people don't live up to their end of the bargain, or where the plan implementation was impractical under the circumstances.
- *Oregon Wild*: It is the responsibility of livestock producers to fully implement the plan if the state is to consider killing wolves. It should be clear - as it has always been in all phases of the

plan - that ODFW has discretion to decide whether or not to kill wolves that meet the threshold of chronic.

8. B) Assuming plan compliance, is it the assumption that lethal removal actions are guaranteed immediately following chronic depredation? To date, ODFW has not always granted a lethal request following chronic depredation due to many factors including but not limited to depredation frequency or livestock no longer at threat because removed from the area (e.g. lease expiration).

- *Defenders of Wildlife*: Lethal control of wolves should only be used as a last resort when other reasonable options are no longer viable and when depredations are both acute and chronic and when depredations are likely to continue (e.g. grazing season is still well underway, livestock is not moving away, etc) and when the depredating wolf(ves) are identified.
- *Center for Biological Diversity*: Lethal removal actions would **not** be guaranteed immediately following chronic depredation. ODFW should retain flexibility to consider all factors, including those which weigh against lethal take at that time. Examples include livestock losses on a grazing allotment past the time the grazing permit required the cattle to be removed; cattle are within days of being removed or already have been removed from the area; or wolves have moved on and are not having conflicts in their new locale.
- *ODFW*: Based on emails and discussions during the 11/5/18 meeting, members disagreed on the answer to this question. Some think a lethal response is guaranteed while others think the agency would be then be given the authority to consider satisfying the lethal request.

In regards to the proposal, transparency, frontloading of non-lethal methods, recognition of the who pays, and a quick response time were all reasoning expressed for the current proposal by WPSR on 11/5/2018. However, proposal calls for a subjective review by an ODFW biologist on what non-lethal methods can reasonably be deployed and whether the bar has been met to move to lethal control.

- *Oregon Farm Bureau and Oregon Cattlemen's Association*: Yes – if we are going to agree to burdensome new non-lethal requirements, it needs to be accompanied by a guarantee that a problem wolf will be taken care of.

9. What happens if there is a back-log of nonlethal deterrence plans needing approval and chronic depredation occurs?

- *Cascadia Wildlands*: This seems unlikely given that the plans are going to be developed in conjunction with producer and ODFW.
- *Center for Biological Diversity*: If the amount of needed funding is properly calculated for this proposal and obtained, there should not be a backlog.
- *Defenders of Wildlife*: Initially, there will be and we need a plan for prioritizing the site evaluations based on risk. It stresses the need for ODFW's POP for additional funding for the wolf conservation program. Since most of these sites are already known, it should be pretty straight forward to conduct these site evaluations and recommendations.
- *ODFW*: As currently written, a lethal request will not be considered unless 1) an agreed upon nonlethal plan is in place and 2) the plan was properly implemented. Therefore in the scenario presented, no lethal response could occur following chronic depredation.

ODFW has been given other programs requiring plans and monitoring. The Legislature has provided funding, and/or a relief valve in the Statute if the workload becomes burdensome. There is a real likelihood as proposed there will be a backlog of landowners wanting ODFW biologists to assist in developing, approving or needing review of their plans. When that occurs landowners become very frustrated and the relationships are damaged, it also makes compliance with wolf management in question.

- *Oregon Farm Bureau and Oregon Cattlemen's Association*: Again, this is something outside the rancher's control, and should not be their fault. They should still be able to move to lethal take.
- *Oregon Wild*: It seems unlikely that this will occur - especially if all stakeholders support and the legislature approves ODFW's POP for additional funding for the wolf conservation program. The Oregon Department of Agriculture could also provide financial support. The wolf population is still small and generally well known. The number of livestock operations that have been affected by wolves is extremely small and has not grown at a dramatic rate. The agency can look to previously existing plans for guidance, and while initial plans may take some work, it's reasonable to assume the process will become much more efficient.

The agency should prioritize their efforts to maximize efficiency. For instance, the agency could

focus first on the small number of operations where livestock/wildlife conflict has occurred, followed by neighboring operations or others where conflict seems likely, and then operations in areas where wolf presence is known but plans do not exist.

Reasonable allowance could be made for predation events where the predation is the first sign of wolves in an area or for producers who have proactively asked for a plan, but not yet received one. However, plans must be given time to work. Barring truly extreme circumstances that are hard to envision in the real world, wolves should not be killed where conflict deterrence plans do not exist and/or have not been faithfully implemented.

10. Is there a way to scope this, or phase in by county? Does the proposal change by Plan phase?

- *Cascadia Wildlands*: believe this can be naturally phased in by prioritizing areas where wolves exist and conflicts have previously occurred.
- *Center for Biological Diversity*: Phasing in by county seems a wise approach -- with priority for those counties that already have the most wolves, to those with some wolves, to those which do not yet have wolves but are likely to in the future. Not sure what is meant by “Does the proposal change by Plan phase?” If referring to the definition of chronic predation, since the Wolf Plan seeks to use lethal removal only as a last resort, since best available science is concluding that killing wolves to resolve conflict is counter-productive, and since all parties want to see fewer dead livestock and fewer dead wolves, it appears that the definition for chronic depredation should be at a high threshold and should be the same in all phases.
- *Defenders of Wildlife*: Yes, see answer #9.
- *ODFW*: This proposal needs to be implemented statewide. Not just where currently most of the depredations are occurring, however as noted earlier ODFW is actively engaged in investigating reported depredations in the coast range, cascade range and eastern Oregon, as well as hazing wolves in SW Oregon. Within 5 years there are likely to be more conflicts and depredations occurring across the entire state. As previously mentioned there is an issue with scope in the current proposal, and no recommendation for narrowing the scope was provided by WPSR members on 11/5/2018. A total need for 36,400 plans with changing landowners and operations regularly is not feasible.

- *Oregon Farm Bureau and Oregon Cattlemen's Association:* I think we are open to discussion and negotiation around these points, again provided that there are still opportunities to move to lethal take of problem wolves in areas where that have not been phased into the new regime.
- *Oregon Wild:* See the answer to Question 9 above. It seems that there will be a natural phase-in of implementation based on where the wolf population currently is, where wolf/livestock conflict has occurred in the past, and where it may be more likely to occur in the future.

Killing native wildlife should always be an option of last resort. Earnest implementation of non-lethal livestock conflict prevention efforts should occur in all phases of the plan. In addition to ethical arguments, peer-reviewed science clearly demonstrates that while killing wolves may serve to increase conflict, non-lethal prevention measures are economically feasible and more likely to reduce conflict.

11. Who is paying for non-lethals and who is required to implement non-lethals?

- *Cascadia Wildlands:* Producers are responsible for implementing non-lethal, but the purpose of this approach is to make a host of resources from various sources available to producers in wolf country to assist or compensate them for these efforts (state, federal, non-profit).
- *Center for Biological Diversity:* Most businesses implement and are responsible for their own security measures to protect their business and inventory. This is already the case for many livestock owners seeking to keep their business sustainable: they take measures to protect their livestock whether that is constantly checking up on them, sheltering them in inclement weather, vaccinating them against disease, and multiple other actions. For these WPSR meetings, the discussion now taking place envisions boosting what livestock owners can do in the way of nonlethal measures by obtaining funds from state and federal agencies and/or from NGO's. Currently, some livestock owners cost-share by contributing in-kind services. Since eligibility to request a wolf be killed requires the effective use of appropriate nonlethal tools, it is the livestock operator who is required to implement nonlethals.
- *Defenders of Wildlife:* This is a broader discussion topic but it should be a combination of state, federal and private funding including some reasonable contribution by the livestock owners, which could include in-kind contributions such as time, travel, planning, etc.

- *ODFW*: The current compensation fund provided by the State of Oregon (<https://www.oregon.gov/ODA/programs/ISCP/Pages/WolfDepredation.aspx>) allows for funding for non-lethal planning and for non-lethal efforts (i.e. range riders) as well as compensation, however this amount is insufficient to fund the development of 36,400 individual plans. Currently, non-lethal efforts on operations are funded primarily by the operator, with additional tools, staff, or financial assistance from county compensation committees, ODFW, USFWS, Defenders of Wildlife, and WS.. ODFW biologists assist with non-lethal efforts as time and resources allows.
- *Oregon Farm Bureau and Oregon Cattlemen's Association*: The state or conservation groups need to fund non-lethals. Funding and implementation of non-lethals cannot be on the backs of ranchers.
- *Oregon Wild*: Livestock owners are responsible for protecting their property in line with the law. ODFW has the statutory authority to create rules for how wolves will be protected and managed. ODFW also has a public trust obligation to "protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations." Therefore, livestock owners are ultimately responsible for the implementation of non-lethal measures to prevent conflict with wildlife. However, funds are often available from state, federal, and local governments as well as private entities - and our conversations to date suggest that all parties would support an increase in state funding to assist in the implementation of non-lethal conflict avoidance strategies. Stakeholders should work together whenever possible to help support efforts that achieve our shared goals of less dead livestock, less dead wolves, and less conflict.

12. Is there a concern with spending money on these plans rather than actually assisting landowners with non-lethals?

- *Cascadia Wildlands*: Spending money on these plans is assisting producers with non-lethals and their approach to wolves and other carnivores.
- *Center for Biological Diversity*: Spending money on the plans IS assisting the landowners with nonlethals.
- *Defenders of Wildlife*: The state is already helping landowners with nonlethal and these plans should help reduce the costs associated with expensive lethal control actions.

- *ODFW*: From the ODA guide on the Wolf Compensation Program:

On June 24, 2011 the Oregon Legislature passed House Bill 3560, which directed the Oregon Department of Agriculture (ODA) to establish and implement a wolf depredation compensation and financial assistance grant program, using moneys in the Wolf management Compensation and Proactive Trust Fund to provide grants to assist counties to implement county wolf depredation compensation programs under which:

1. Compensation may be awarded to reimburse persons for livestock or working dogs that are injured or killed due to confirmed or probable wolf depredation;
2. Financial assistance may be awarded to persons to assist with the implementation of livestock management techniques or nonlethal wolf deterrence techniques designed to discourage wolf depredation of livestock;
3. Compensation may be awarded to reimburse persons for livestock or working dogs that are missing due to wolf depredation;
4. Compensation may be awarded to counties for allowable expenses associated with implementing the block grant program in their county.

ODA's wolf depredation compensation and financial assistance grant program complements the Oregon Department of Fish and Wildlife (ODF&W) Wolf Conservation and Management Plan in the area of developing and maintaining a cooperative livestock producer assistance program that proactively minimizes wolf-livestock conflict and assists livestock producers experiencing wolf-related livestock losses.

- *Oregon Farm Bureau and Oregon Cattlemen's Association*: We believe that if non-lethals actually work on the ground, providing funding and resources for ranchers to do them will result in widespread adoption of the effective non-lethals – ranchers want to protect their cattle and their livelihoods and have every incentive to adopt non-lethals that are funded and actually work.
- *Oregon Wild*: It's not clear to us what is meant here. Is this really a choice? We support the agency helping producers create and implement effective site-specific conflict deterrence plans that will help reduce conflict with all native wildlife.

13. As ODFW works one-on-one with landowners/producers and county committees to educate on the use of non-lethals, including workshops, what issue or problem is the proposal resolving?

- *Cascadia Wildlands*: The proposal dials in specific requirements for producers that are aimed at reducing conflicts and also reducing the number of wolves the state needs to kill. Getting producers to agree to plans that they have a hand in creating and buy-in with will ideally increase the prevalence on these preventative measures on the landscape reducing overall conflict and the costs associated with killing wolves. It creates predictable responses and requirements by the agency that benefit all sides.

- *Center for Biological Diversity*: Conservation groups want to see fewer dead wolves. Livestock operators want to see fewer dead livestock. If implemented, both results are achievable.

The one-on-one interactions with landowners/operators and county committees aids in agency transparency. It also will help ensure that factual information about wolves and about the methods and efficacy of individual nonlethal methods is disseminated.

- *Defenders of Wildlife*: This proposal helps minimize livestock losses to wolves and other native predators, which reduces the impact to native predators while putting resources into proactive, more effective measures than just lethal control actions.
- *ODFW*: ODFW identifies non-lethal front loading, transparency, quick decisions on lethal removal requests and recognition of landowner funding contributions to non-lethals as issues of interest. From ODFW's perspective, the proposal and following discussions on it provide no detail as to how the proposal will improve ODFW efficiency or response time to investigating depredation and issuing lethal take requests, nor does it provide any more detail as to how the use of non-lethal plans for every ranch will reduce or prevent lethal responses to depredation.

Some effective ways to reduce depredation may be long-term changes to the operator's herd or management regime. How does the producer get "credit" for changes that are hard to document and/or may take years to fully implement? Similarly, how should the plans balance short-term fixes and long-term solutions?

- *Oregon Farm Bureau and Oregon Cattlemen's Association*: We have this same concern – if the non-lethals that conservation groups want to pursue in this plan actually work, then ranchers will want to do them and education and technical assistance should solve the whole issue.

However, if conservation groups want to implement plans, they need to be workable on the ground and accompanied by a guarantee that lethal control will follow if there's a depredation.

- *Oregon Wild:* We believe we should all share a goal of less dead livestock, less dead wolves, less conflict, and that killing wolves should be the option of last resort. Killing wolves is expensive, controversial, and often counterproductive. Oregon's own experience over the last decade has demonstrated that defensible, enforceable, and transparent requirements for non-lethal conflict deterrence measures are the best way to achieve those goals. Their absence leads to the opposite outcomes.

Comments from Rocky Mountain Elk Foundation:

The advisory group was created to review and comment on the Draft Wolf Conservation and Management Plan. Let's get back to review of the staffs Draft Plan as written.

This Proposal is not contained in the Draft Plan, and this Proposal should not be considered further at this time because it is too ill defined and is contingent upon legislative actions to change state law and to provide funding. Legislative action is decidedly problematic.

The staff's 13 questions, shown below, must be answered before going forward to be certain that the proposal is a value added and not a detriment to the management of the wolf and all the other species of Oregon wildlife. The sponsors of the proposal and working with staff should provide the answers to the questions. A side by side comparison of the comparable tenants in the current plan, the Draft Plan and the Proposal must to be made against a standard set of criteria to assure the Proposal provides superior cost-benefits before going forward.

Further, the Proposal appears to increase administrative complexity, require additional time, effort and expense in terms of staff and the livestock producers, creating additional hoops for both parties to jump through prior to any response to depredation. The proposal blurs the current clear line of responsibility for wolf management by ODFW by proposing the insertion of ODA.

I must point out that the original 2005 Wolf conservation and Management Plan was a compromise between competing interests, and that it has work remarkably well in restoring the wolf to the Oregon landscape. In drafting the original plan, it was by agreement limited in its prescription of requirements. The forbearance of the livestock producers and the hunter-supported conservation organizations combined with thoughtful and professional Plan implementation by ODFW staff have been and will be key to management success.

The Wolf Plan must provide for ODFW being able to comply with ORS regarding wildlife management policy and response to depredation. The Proposal has issues in these areas that are not addressed.

The Proposal should be tabled and considered in a future Wolf Plan revision.