

## Non-lethal tools and techniques

The use of non-lethal tools to reduce wolf-livestock conflict remains a high priority for wolf conservation and management in Oregon. The draft update makes this abundantly clear (“non-lethal” appears 86 times) and includes a robust list of tools and techniques, some of which were specifically requested by Plan stakeholders. Also added was clarification that non-lethal measures must be reasonable for the situation before lethal control may be employed in Phases 2 and 3. Some stakeholders have requested that Phase 1 non-lethal requisites be required for lethal control of depredating wolves under Phases 2 and 3, including use of conflict deterrence plans. This topic was addressed in detail during the October 2016 Commission meeting in La Grande and the April/May 2017 Commission meetings. Much of the proposals from those meetings, including the background, discussion, and analyses, remain relevant today.

The text below was presented at the October 2016 Commission meeting and although some proposals have changed, it provides a basis for discussion.

### **Issue #6. Should the Plan carry forward the Phase 1 non-lethal requisites for lethal control of depredating wolves into Phases 2 and 3?**

Plan Location: N/A – Phase 1 Settlement Rule not incorporated into Plan, use rule

Rule Location: OAR 635-110-0010, 0020, 0030

Background: The Plan and its associated rule contains Phase-specific provisions for when harassment and lethal take is allowed in response to wolf-livestock conflict situations. In 2013, the Phase 1 rule (and Plan by reference) was changed considerably as a result of a lawsuit and settlement agreement. The rule now provides a number of highly prescriptive and complex provisions which must be satisfied before the Department can consider lethal control in livestock depredation situations.

Stakeholder input on this issue: Wolf advocacy groups often refer to the Phase 1 measures which were developed as a result of settlement agreement in 2013 as successful – generally citing that no wolves were lethally removed in Phase 1 following implementation of the new rules and that depredations decreased during the same period. Multiple groups have asked that ODFW reduce ambiguity in current rule by carrying forward at least some of the Phase 1 measures related to requirement for implementation and documentation of non-lethal measures as a prerequisite for lethal control, reasonable time limits on kill orders, and Department transparency requirements.

Staff discussion and analysis: The effect of the Phase 1 rule on the actual incidents of depredation is unknown. Data does not indicate a relationship between the rule and the number of depredations – depredations in eastern Oregon increased slightly in 2013 decreased slightly in 2014, decreased in 2015 (under Phase 2 rule), and increased in 2016. While these changes are not likely significant (small sample size and short duration of the Phase 1 rule in eastern Oregon), the overall trend of confirmed depredations since 2009 has increased along with the wolf population. The Phase 1 Settlement rule did affect the number of times the Department may have considered lethal take between 5/2013 -12/2014 as there were four occasions where two or more depredations occurred and no lethal control actions were undertaken.

Some components of the Phase 1 rule have practical and useful attributes

- Areas of depredating wolves (ADW's) – useful in focusing non-lethal efforts on the actual problem area.

- Areas of known wolf activity (AKWA) – necessary for effective communication with producers and public, also used for the compensation program.
- Continued coordination with producers in wolf areas
- Forty-five day take period (in situations of lethal control)
- Wolf website as portal for public dissemination for wolf related information and education

Several components of Phase 1 rule have provided little benefit for wolves or wolf management

- Conflict Deterrence Plans/Timelines – originally discussed as a way to develop area-specific deterrent solutions and to bring the public into the fold of solutions, but to date the Department has received very little input, and the mandated timelines put a high burden at a time when workload is already very high.
- Qualification of depredations toward lethal control – created severe anger toward the Department (by livestock producers), and provided little practical effect (i.e., must determine if adequate measures were used prior to decisions of lethal control anyway) and requires extensive personnel resources to implement.

Proposed solutions by staff:

- In Phase 2 and 3, include continued use of ADW's, AKWA's, and the commitment to coordinate with area producers.
- In phase 2 and 3, codify in Plan the Department's commitment to public transparency by continued use of the wolf web site as the state's primary wolf information portal
- In Phase 2 and 3 limit the duration of lethal take orders to 45 days unless additional depredations occur
- In phase 2 and 3, develop region-wide conflict deterrence options (or something analogous) for education and outreach on wolf web page instead of Phase 1 style conflict deterrence plans
- In Phase 2 and 3, include additional language to clarify the Departments continued reliance of non-lethal measures as a prerequisite for consideration of lethal control of problem wolves.

The above proposals from October 2016 are still relevant and remain the best balance for recognizing the successes of an expanding wolf population.

## Chronic Depredation

The evaluation of the definition of chronic depredation in Phases 2 and 3 has been a major emphasis in this Plan update. This topic was first addressed in detail during the October 2016 Commission meeting in La Grande, and staff proposals have since been modified based on the Department's experience and stakeholder discussions. The text presented at the October 2016 Commission meeting provides good background and logic for decision-making under this topic.

### **Issue #5. Should the Department redefine chronic depredation as related to lethal control in Phases 2 and 3?**

Plan Location: Chapter 3, Pg. 43-51

Rule Location: OAR 635-110-0020 (6)(A)

Background: Currently, and as a result of the 2013 settlement agreement, the Plan contains two different metrics of when the Department may consider lethal control in response to depredation. In Phase 1 of the Plan lethal control may be considered when four confirmed depredations occur within a 6 month period (in conjunction with a number of other requirements). In Phase 2 and 3 of the current Plan, lethal control of depredating wolves may be considered (along with a number of other requirements) if two confirmed depredations or one depredation with three attempted depredations, with no established time period.

Stakeholder input on this issue: Staff has repeatedly heard concerns of the Phase 2 and 3 standard from wolf advocacy groups, citing the lack of a time period requirement and that two depredations generally does not constitute a chronic depredation situation. Further, wolf advocates view the current Phase 1 definition (four depredations/six months) as successful and some have suggested carrying this forward into Phase 2 and beyond. Conversely, livestock producers convey that prompt addressing of depredating wolves is key to prevent further losses, and are concerned of the idea of "raising the bar" as later phases are reached.

#### Staff discussion and analysis:

The purpose of lethal control is to stop depredation of livestock that is presently occurring and to date (October 2016), lethal control has not been conducted by the Department with fewer than three depredations (Keating 2009, Imnaha 2010, and Imnaha 2016). Furthermore, though the sample size is small, Oregon data for recurring confirmed depredations by packs (where lethal control was not employed), does not always show escalation following the initial two or three depredations. While this is difficult to analyze because of the dynamic behavior and structure of packs from year to year, (as of October 2016) there have been five situations where two or more depredations by a pack were confirmed, with only two of those situations having escalated to multiple subsequent depredations (Imnaha and Mt Emily).

If chronic depredation is viewed as a situation which is expected to continue or escalate if uncontrolled, then Oregon data clearly shows that two depredations does not constitute a chronic situation. In joint discussions with stakeholder groups, Department staff sought to address this issue by suggesting a redefinition of chronic depredation in Phase 2 and 3 to be consistent with past ODFW practice in conducting lethal control, and where data that indicates a higher probability that depredation will escalate. The concept of moving the Phase 1 standard (four depredations/six months) into Phase 2 and 3 was discounted because it does not adhere to the guiding principle of increasing management flexibility as the population increases. Instead, staff suggested using three depredations within any 12 month

period as chronic, with the clear understanding that this suggested number does not mandate lethal control, nor does it reduce the level of non-lethal effort. However, there has been little stakeholder support for this concept as it was considered overly protective by some, and not protective enough to others.

As expected, science is not clear on the effectiveness of lethal removal. There is a growing scientific debate about the relationship between lethal take in response to livestock depredation and public attitudes toward wolves. Regardless, the Department is tasked with managing wildlife in concert within the primary uses of the land, and resolving presently occurring damage (ORS 498.012 and 496.012). Science does not generally answer questions related to appropriate levels of damage sustained before offending animals are removed.

Proposed solutions by staff:

- Consider adjusting the Plan's Phase 2 and 3 chronic depredation level (number of depredations and timeframe) to be reflective of department's experience as presented above and demonstrate compromise between the stakeholders. Reaffirm that the Plan/rule measure of chronic depredation is only one factor in determining if lethal control is appropriate.

Through this Plan update process, the current proposals in Phase 2 and Phase 3 include defining chronic depredation for consideration of lethal control as three confirmed depredations within a 12 month period. Staff previously proposed an alternate definition of one confirmed depredation and at least four probable depredations, however that proposal was not well-supported by stakeholders. Additionally, a current proposal for Phase 3, is that the numerical criteria for lethal removal of depredating wolves may be allowed with only two confirmed depredations, by authorization of the ODFW Director, in the following situations:

- In situations of extreme circumstances – where evidence exists of immediate ineffectiveness of non-lethal measures, or that wolf behavior or depredation circumstances indicate that non-lethal measures will be ineffective or are beyond the ability of managers or livestock producers to practically implement.
- Private land situations –where the nature of the depredations (e.g., number of livestock killed per incident, frequency of depredation, and known wolf use of area), frequency of wolf use of the private lands where depredation occurs, extent of non-lethal measures available, and proximity to other private properties, residences, and livestock, are indicators of an unacceptable situation.

Commission feedback in the December 2017 meeting requested additional details to these situations including a timeframe limitation.

See the "[Chronic Depredation in November 2017 Draft](#)" for proposed language found in the most recent draft update.

## Controlled Take

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, which has caused a great deal of concern for some stakeholders as those standards now apply to areas of eastern Oregon.

The use of public hunters and trappers (per the game mammal classification) to assist with ODFW management response actions is not intended to be used as population regulation mechanisms at a large scale, nor is it intended to replace good faith efforts by managers to seek reasonable and practical non-lethal solutions per other sections of the Plan. Instead they are designed as targeted management response mechanisms should the condition arise where continued growth of a healthy wolf population is coupled with unacceptable levels of conflict with livestock and/or wild ungulate populations at a local scale.

Currently, when Department take of wolves becomes necessary per the Plan to resolve livestock conflict, a large expenditure of personnel and financial resources is involved. It follows that the future use of hunters and trappers (in Phase 3) in situations of management-related take would be expected to efficiently increase Department capacity for other important wolf management activities. This concept and accepted management action is also in alignment with general expectation of increased flexibilities in management as the wolf population continues to increase.

The Plan's current game mammal standards are clearly different from many states' wolf hunting programs. Specifically, under the current 2010 Plan (Pg. 36) general season hunting (i.e., over the counter, unlimited tags) is not allowed and regulated take is only allowed in response to very specific conditions when in Phase 3. This approach is directly compatible with four of the seven goals of the Oregon Wildlife Policy (ORS 496.012), and the overall goal of the current Plan. There are, however, a number of key words and phrases which could be better defined and more simply stated to reduce ambiguity, provide parameters of when applied, and improve functionality of the Plan's game mammal standards.

Staff proposals have been repeatedly presented throughout this process:

- Maintain the current Plan's approach to having the option for using controlled take by hunters and trappers (in Phase 3) in certain situations where a management response action is necessary. Any controlled take would be administered by ODFW by permit authorization only, and targeted at wolves in a specific location under the following conditions that warrant a management response.
  - Chronic livestock depredation in a localized area
    - Take may only address a chronic depredation situation in a specific or local area, and
    - Take may only occur in an area in Phase 3 of the Plan, and
    - Take will not impair population viability or reduce overall population health factors within the region.
  - Wild ungulate population or recruitment declines
    - Take may only occur in an area in Phase 3 of the Plan, and
    - Take will not impair population viability or reduce overall wolf population health factors within the region, and
    - Ungulate population is below management objectives in a WMU, and
    - ODFW has determined that wolves are a major cause of the population not meeting established ungulate objectives and that the controlled take action is expected to remedy the situation.

- Do not allow general season wolf hunts or population regulation hunts during this planning cycle. Population management may only occur in the future pending complete population analysis.
- Retain provisions of the Plan (Pg. 65 current plan) which allows for active management (lethal or non-lethal) of wolves in certain situations when determined to be affecting the success of transplanted ungulate species, or ungulate winter ranges/winter feeding sites that serve to draw ungulates away from agricultural lands.
- Maximum enforcement of applicable statutes imposing penalties for harming or killing a wolf illegally has been sought by the State and in 2016 the Oregon Legislature amended ORS 496.705 to increase the penalty for unlawful taking of gray wolves. The Oregon State Police administers a TIP (Turn in Poachers) reward program specifically for citizens who turn in or provide information leading to the arrest/conviction of someone who has illegally killed wildlife. The TIP program is proposed to expand for additional incentive for controlled hunt preference points as an option in lieu of cash reward for game species including wolves.

In the draft update, staff added language to address questions and confusion from some stakeholders. Staff also introduced a method of controlled take (again, only in Phase 3) whereby trained, permitted members of the public would be used to aid in management (i.e. special permit agent). In doing so, both of these actions may have created even more confusion or worse, created confusion for those that were knowledgeable on the topics. To identify the types of controlled take and how and when they would be carried out, Figure 1 was created to reduce confusion and help focus discussions on the topic.

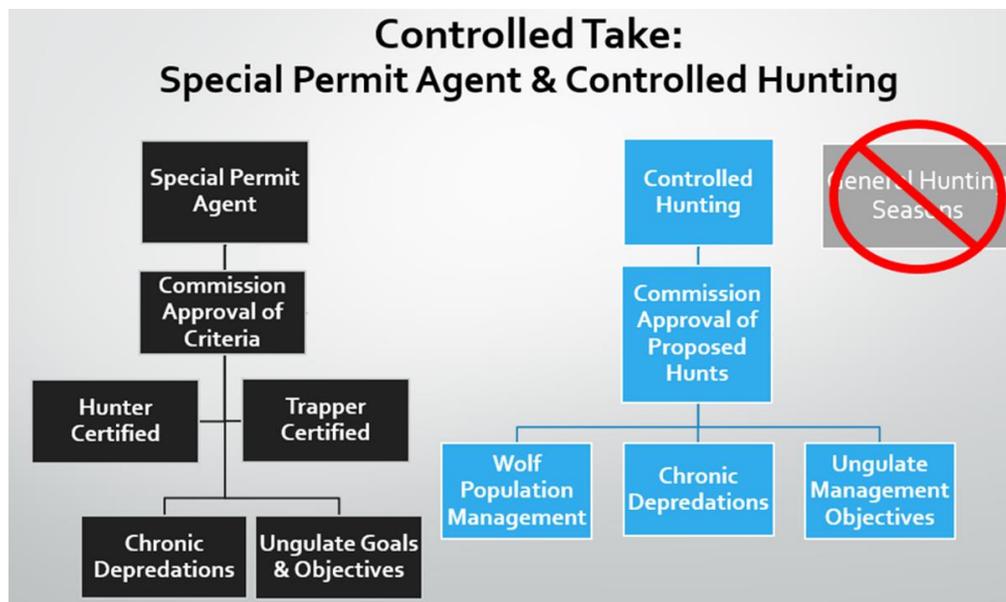


Figure 1. Diagram of allowable methods of Controlled Take in Phase 3 of the Wolf Plan.

See [“Controlled Take in Current 2010 Plan”](#) for numerous descriptions of Controlled Take found in the current Plan.

See [“Game Mammal Section- April 2017 Draft”](#) for the Special Status Game Mammal section of the March 2017 draft Plan presented at the April 2017 Commission Meeting. This section includes the description and implementation of Controlled Take. Notice the similarities between this draft and the Current Plan.

See [“Game Mammal Section- November 2017 Draft”](#) for the Special Status Game Mammal section of the November 2017 draft update (with track changes) presented at the December 2017 Commission Meeting. Notice the proposed changes between this update and the March/April draft.

## Budget and Funding for Implementation

Chapter 10 of the draft update addresses the costs and funding structure and sources for the Wolf Program and Wildlife Research Program. The chapter does not however provide guidance on how the Department will meet the needs and requirements laid out in the plan, including public expectations, as wolves continue to increase in number and distribution. New approaches are needed to ensure ODFW is capable of meeting these mandates.

Currently, implementation of the Wolf Plan is primarily conducted using two wolf-specific positions that are funded by a federal grant with a required state fund match of 25 percent. The wolf population and the associated management requirements (as outlined in the Wolf Plan) have grown beyond the capacity of these two wolf-specific positions and has placed a severe burden on the Department's existing field staff (i.e. district wildlife biologists) who are typically funded through license and tag revenue. In some months, as much as 50 percent of a district's field staff time is spent on the urgent requirements of wolf damage investigations and mitigation, leaving other wildlife management tasks unfinished. As Oregon's wolf population continues to increase, a more comprehensive, statewide effort will be needed for Department to continue to monitor wolves on a much larger landscape, collect population data, capture/radio-collar wolves, and address an increasing number of wolf-livestock conflicts. This effort must also be expanded to meet the public demands for wolf information including satisfying program needs dependent on wolf information (e.g., OAR 603-019-Wolf Depredation Compensation and Financial Assistance Grant Program).

To address these needs, ODFW submitted a policy option package (POP) as part of the 2019-21 budget development process to request funding and positions to allow ODFW to directly manage Oregon's increasing wolf population by fully implementing the Wolf Plan. The positions requested will be located in areas of Oregon with current and growing wolf populations. Specifically, two positions will be stationed in northeastern Oregon, one in central Oregon, and two in west/southwest Oregon. This approach will improve the implementation of the Wolf Plan by providing dedicated staff to manage wolves on the local level and allow existing field staff to focus on many other important wildlife species and issues. Specifically, these positions will improve implementation of the Wolf Plan by conducting the following tasks:

1. Perform additional wolf surveys, locate new wolves, and improve monitoring output. Providing additional wolf-specific personnel and equipment will improve monitoring, data collection, and information availability by increasing the Department's wolf-specific field presence in all parts of the state while maintaining other important wildlife management duties currently conducted by existing field staff.
2. Maintain and monitor adequate numbers of radio-collared wolves as their population grows.
3. Respond to reports of wolf-livestock conflict in an ever-widening distribution of wolves. Depredation events are erratic and additional wolf staff positions available to conduct wolf livestock depredation investigations should reduce response time, improve information quality, and service to livestock producers. These positions will directly implement the provisions of the Wolf Plan related to minimizing livestock depredation by wolves, and will improve livestock producer assistance through implementation of non-lethal and preventative measures.