

Evaluation of the Proposal on Developing Ranch and Farm Specific Gray Wolf Non-Lethal Deterrence Plans

I. INTRODUCTION

The Oregon Wolf Plan Stakeholder Representative (WPSR) Work Group discussed various matters at their October 9, 2018 WPSR Work Group Meeting and are seeking resolution on key topics. This document outlines a proposal discussed at the October 9 meeting, and then presents various facts, statutory requirements, and background information related to that proposal. It then presents a number of questions that would be helpful to discuss and answer, in order to assess the viability and effectiveness of the proposal.

II. OUTLINE OF PROPOSAL

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

<p>PROPOSAL:</p> <ol style="list-style-type: none"> 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 <ul style="list-style-type: none"> • If rancher/farmer does <u>not</u> have a nonlethal deterrence plan or does not follow/implement their plan • <u>Then</u>, no lethal request is allowed; not eligible for lethal control • Can still apply for compensation

Below is the proposal, broken out into its elements and reflecting the core values and interests that are served by each part of the proposal.

PROPOSAL ELEMENTS	CORE VALUES AND INTERESTS SERVED
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	<ul style="list-style-type: none"> • Need for stable and consistent funding • Desire to reduce financial burden on producers.

2. ODA/ODFW meets with the Rancher/Farmer to discuss Livestock operations	<ul style="list-style-type: none"> • Recognition of the different needs of producers (based on geography, size, etc.)
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	<ul style="list-style-type: none"> • Focus on using non-lethal methods that are effective for the particular situation • Focus on developing reasonable, realistic plans
4. The plan is approved by ODA and ODFW	<ul style="list-style-type: none"> • Desire for transparency and accountability
5. All non-lethals (as feasible/reasonable) are deployed as prescribed in the plan	<ul style="list-style-type: none"> • Focus on using non-lethal methods and proactive measures • Providing certainty to ranchers
6. If chronic depredation occurs (as described in the OR Wolf Conservation and Management Plan) a lethal request is sent to ODFW	<ul style="list-style-type: none"> • Providing transparency and reducing uncertainty
7. ODFW confirms the plan has been implemented and authorizes a form of lethal control to address the chronic depredation	<ul style="list-style-type: none"> • Providing transparency • Fairness and certainty
<ul style="list-style-type: none"> • If rancher/farmer does <u>not</u> have a nonlethal deterrence plan or does not follow/implement their plan • <u>Then</u>, no lethal request is allowed; not eligible for lethal control • Can still apply for compensation 	<ul style="list-style-type: none"> • Focus on using non-lethal methods • Fairness

III. BACKGROUND

Number of Ranch and Farms with Livestock by Type in Oregon (2012 Census)

US Department of Agriculture estimates there are approximately 34,600 farms and ranches in Oregon (Table 1). Most of these maintain some level of livestock on their property for commercial purposes. Definition of livestock (ORS 609.125) includes, ratites, psittacines, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches. For the purposes of the Wolf compensation program this definition includes working dogs as defined in ORS 610.150.

Most livestock operators are small in size and operate on smaller acreages. See Table 1 below for a summary of the 2012 census data related to number of farms and ranches in Oregon by livestock type and number.

Statutory Requirements to Address Damage Caused by Wildlife

Oregon has laws to protect livestock from damage by wildlife; these laws are not based on the size of the operation or type of livestock. On a statewide basis, there are several species of wildlife that cause considerably more economic damage (and nuisance complaints) and therefore response from ODFW staff than wolves; specifically bear, cougar, elk and deer. Some district field staff in Oregon spend 50% or more of their time working on damage from these other species. For bear and cougar, ODFW works closely with Wildlife Services to resolve damage complaints in rural areas particularly and it is important

to note that private landowners have more leeway on their property to deal with bear and cougar as they do not need a permit first from ODFW to kill the offending animals. There are many more bear and cougar problems than the number of complaints received by ODFW. Deer and elk damage is primarily addressed through a variety of means involving landowners and hunters. ODFW does not provide monetary compensation for wildlife damage. While wolves are not always associated with a depredation, wolf depredation investigations are attributed to wolf management activities.

Number of Complaints by Species in Oregon During 2016 and 2017		
Species	2016	2017
Bear	335	462
Cougar	421	462
Deer	440	364
Elk	1257	1083
Wolf*	67	66
*Depredation Investigations		

A few noteworthy ones for addressing livestock/wildlife conflict are:

ORS 498.012 Taking wildlife causing damage, posing public health risk or that is public nuisance

- (1) Nothing in the wildlife laws is intended to prevent any person from taking any wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a time or under circumstances when such taking is prohibited by the State Fish and Wildlife Commission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless the person first obtains a permit for such taking from the commission.

This statute specifically refers to the land the landowner owns and the landowner or the landowner agents may only pursue/control these wildlife on their property: wildlife cannot be pursued off property. And, with the exception of bear, cougar, bobcat and red fox, control of all other wildlife species causing damage requires a permit from ODFW. "Damage" means loss of or harm inflicted on land, livestock or agricultural or forest crops. "Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures or other personal property.

ORS 498.014 Taking of wolves by State Department of Fish and Wildlife to address chronic depredation

(1) As used in this section:

(a) "Chronic depredation":

(A) Means at least four confirmed qualifying incidents of depredation by wolves upon livestock or working dogs within a consecutive six-month period during phase 1 of the Oregon Wolf Conservation and Management Plan adopted by the State Fish and Wildlife Commission; **or**

(B) Has the meaning given that term by the commission for periods of time after the expiration of phase 1 of the Oregon Wolf Conservation and Management Plan adopted by the State Fish and Wildlife Commission.

Table 1. Ranch and Farm by livestock type and number in Oregon

Livestock	Number	Ranches and Farms	Livestock	Number	Ranches and Farms
Cattle/Beef		14351	Sheep/Lambs		2753
	1 to 9	6777		1 to 24	1879
	10 to 19	2570		25 to 99	608
	20 to 49	2351		100 to 299	166
	50 to 99	920		300 to 999	65
	100 to 199	576		1000 to 2499	19
	200 to 499	585		2500 to 4999	10
	500 to 999	327		5000 or more	6
	1000 to 2499	189			
	2500 to 4999	42	Horses/Ponies		9706
	5000 or more	14		1 to 24	9376
Milk Cow		686		25 to 49	258
	1 to 9	425		50 to 99	51
	10 to 19	18		100 to 199	21
	20 to 49	35	*May not include all owned horses and ponies		
	50 to 99	30			
	100 to 199	51	Mules, burros, donkeys		1356
	200 to 499	77		1 to 24	1350
	500 to 999	25		25 to 49	3
	1000 to 2499	25		50 or more	3
	2500 to 4999	20			
	5000 or more	5	Goats/Kids		2350
Hogs/Pigs		1124	Alpacas		396
	1 to 24	1048	Chickens/Layers		5774
	25 to 49	44		1 to 49	5264
	50 to 99	15		50 to 99	336
	100 to 199	11		100 to 399	147
	200 to 499	4		400 to 3199	22
	500 to 999	2		50000+	5
Other					
Turkeys		444	Bison		41
Emus		39	Deer in captivity		10
Ostriches		4	Elk in captivity		7
Roosters		287			
*Chuckars, ducks, other chickens, geese, pheasants, peacocks, etc. not included in list					

Data in Table summarized from

https://www.nass.usda.gov/Publications/AgCensus/2012/Full_Report/Volume_1_Chapter_1_State_Level/Oregon/

Statutory Requirements for Nonlethal Deployment

ORS 498.014 Taking of wolves by State Department of Fish and Wildlife to address chronic depredation

(3) Pursuant to rules adopted by the State Fish and Wildlife Commission, a person who owns or lawfully occupies land may take wolves on land that is owned or occupied by the person, without a permit issued by the commission, if:

(a) The person has not used bait to attract wolves or taken any other intentional action to attract wolves other than engaging in regular and ordinary livestock management practices;

(b) The taking is allowed under the federal Endangered Species Act of 1973 (P.L. 93-205, 16 U.S.C. 1531 et seq.); **and**

(c) The wolves are:

(A) Caught in the act of biting, wounding or killing livestock or working dogs; **or**

(B) Caught in the act of chasing livestock or working dogs. If the taking in response to chasing occurs during phase 1 of the Oregon Wolf Conservation and Management Plan adopted by the commission:

(i) A person must have first undertaken nonlethal actions as specified by the State Department of Fish and Wildlife to minimize conflict between the wolves and livestock or working dogs; **and**

(ii) The taking must occur during a time period in which the department has determined a situation of chronic depredation exists.

(4) A person who is a landowner or a lawful occupant of land may authorize another person to enter the land for the purpose of taking wolves under subsection (3) of this section on behalf of the landowner or occupant.

(5) The person taking wolves on behalf of a landowner or lawful occupant under subsection (4) of this section must be carrying the written authorization when wolves are taken.

(6) If a person takes wolves under the provisions of this section, the person shall report the taking to the State Department of Fish and Wildlife within 24 hours and make all reasonable efforts to preserve, and to keep undisturbed, the scene of the taking. The department and the Oregon State Police shall immediately investigate the report of the taking to determine compliance with the provisions of this section. [2013 c.626 §2]

Current Non-lethal Review as Part of Lethal Request Authorizations

Phase I- Following OARs, a 54 Step process must occur before lethal removal can occur.

Phase II & Phase III- Evaluation of lethal request follows OARs and criteria include: confirming chronic depredation; the requester documents unsuccessful attempts to solve the situation through non-lethal means; no circumstances exist that attracts wolf-livestock conflict; and the requester has complied with all applicable laws and permits. To evaluate these criteria, follow-up discussions may occur between ODFW and the requester to collect additional information for responsible decision-making. This

information gathering process assists in agency transparency because nearly all questions from stakeholders and the public can be answered immediately.

IV. QUESTIONS TO EVALUATE THE PROPOSAL

As stated by many members of WPSR in attendance at the October 9th meeting, the acceptance of this proposal and its integration into the Oregon Wolf Conservation and Management Plan hinges on an accurate understanding of what is being proposed, the details of how it will impact current nonlethal deployment and response to chronic depredations, and how it will be implemented overall.

To ascertain the details here is some information related to the proposal and questions for the workgroup to discuss:

Proposal Related Information:

Many challenges and questions surfaced in the review of this proposal that would be valuable to address by the WPSR group.

ODFW interprets the proposal objectives are to ensure a faster response to chronic depredation while increasing assurances non-lethals were employed, and all the while being more cost effective. A detailed comparison of current practices to those proposed is valuable to depict how these objectives will be satisfied.

This proposal would require a significant investment in State resources, both in time to implement and funding to support. If resources were acquired, the proposal appears to route them to ODA and ODFW instead of counties under the current system. This proposal is contingent on state funding; the timeline for assurance that adequate resources are provided is July 2019 at the earliest.

Based on the ORS's for damage these plans would take into account private lands, and public lands that operators livestock can lawfully occupy.

Chronic depredation thresholds are events of confirmed livestock attacks or killing of livestock by wolves, it is not the number of livestock killed.

Chronic depredations are addressed based on a determination of which wolf is/wolves are responsible in an area of known wolf activity; the removal of a wolf/wolves are not limited to the property of the landowner requesting lethal control.

ODFW recommends developing a business case for committing state resources dollars, to better evaluate whether expect increasing funding for non-lethals and compensation dollars without ODFW involvement, similar to the current system, is far more cost effective than this proposal.

V. QUESTIONS FOR WPSR TO HELP DEFINE THE PROPOSAL

1. Is the proposal described on pg. 1 accurate? Or does it need further clarification?
2. Who approves and monitors these individual plans? What does that process look like? How are disagreements resolved?
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)?
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?
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?
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?
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 landowners property who does not have a valid plan?
8. 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)?

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).
9. What happens if there is a back-log of nonlethal deterrence plans needing approval and chronic depredation occurs?
10. Is there a way to scope this, or phase in by county? Does the proposal change by Plan phase?
11. Who is paying for non-lethals and who is required to implement non-lethals?
12. Is there a concern with spending money on these plans rather than actually assisting landowners with non-lethals?
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?