



Oregon Wolf Conservation and Management Plan – 2010 Evaluation
STAFF SUMMARY OF POLICY ISSUES RAISED BY STAKEHOLDERS
August 6, 2010

Introduction

This document summarizes the issues and concerns raised by stakeholders during the 2010 review of the Oregon Wolf Conservation and Management Plan (Plan). Pursuant to the direction of the Oregon Fish and Wildlife Commission (Commission) at the March 2010 meeting, this summary reviews "...what worked and what can work better ..." based on our experience with the first 5 years of Plan implementation. This document focuses on input from specific stakeholders on Plan implementation. These stakeholder groups are:

- Baker County Natural Resource Advisory Committee – met on June 29, 2010
- Defenders of Wildlife – met on June 28, 2010
- Hells Canyon Preservation Council – met on June 28, 2010
- Nez Perce Tribe – met on June 25, 2010
- Oregon Cattleman's Association – met on June 10, 2010
- Oregon Department of Agriculture – met on June 25, 2010
- Oregon Farm Bureau – met on June 24, 2010
- Oregon Hunters Association – met by phone on June 29, 2010
- Oregon Wild – met on June 28, 2010
- Oregon Wool Growers Association – met on June 10, 2010
- Umatilla Tribe – met on June 25, 2010
- United States Department of Agriculture, Wildlife Services – met on June 19, 2010
- United States Fish and Wildlife Service – met on June 29, 2010
- United States Forest Service – met on June 29, 2010

Background

The Commission adopted the Plan and its associated Oregon Administrative Rules (OAR) by in December 2005. The Plan requires a Commission evaluation of implementation every five years, similar to other department plans, with the first review due in 2010. The Plan acknowledges that formal review could result in a decision by the Commission to enter into rulemaking.

These policy issues address stakeholder's specific concerns on Plan implementation. Some comments received by stakeholders were general in nature and these comments ranged from the appropriate balance of livestock production and wolf conservation to how management of wolves might differ on private and public lands. While comments not specifically related to implementation of the Plan are not addressed, some general

comments are considered within the policy issues discussed below or applied in the draft revision of the Plan scheduled to be given to the Commission for review in September.

Policy Issues Related to Plan Implementation

As expected, much of the input received was related to the management of wolf-livestock conflicts. Oregon experienced its first livestock depredation by wolves (Keating Valley) in 2009 and the Wallowa County depredations in 2010 received much attention. These two events created significant opportunity to evaluate the plan's approach and rules associated with this difficult situation.

Policy Issue:

Is the existing criteria for initiating ODFW-authorized lethal take of depredating wolves adequate to protect livestock while conserving wolves?

- OAR 635-110-0010 through 635-110-0030
- Plan Chapter III., and Appendix P

Stakeholder Input:

Stakeholders with this issue identified two primary concerns. First, some believe the requirement that wolf depredations must occur on adjacent properties before implementing chronic depredation control actions is too restrictive. A second concern is that preventative efforts taken by ODFW and area livestock producers prior to the first wolf depredation should count toward the lethal control trigger. Thus, if preventative efforts have been made in an area, and a first wolf depredation is subsequently confirmed, then ODFW should immediately move to "caught in the act of attacking" take permits.

Other stakeholders suggested a more restrictive approach recommending the addition of rule language that limits "in the area" to 3 miles and mandates that non-lethal efforts must be made by a producer before that producer can be issued a lethal take permit.

Staff Discussion and Analysis:

(Note: The land adjacency and preventative efforts concerns are discussed separately below).

Land Adjacency Concern.

OAR 635-110-0010 states that before agency removal of wolves can occur, ODFW must confirm wolf depredation on a "...property or an adjacent property". The 2010 Wallowa County wolf depredations by the Imnaha pack tested this rule. During the period of the six confirmed cattle depredations, GPS radio collar data showed the pack was using approximately 327 square miles with a large number of private ownerships. In this situation, despite the preventative measures undertaken by ODFW and several livestock producers, depredations occurred over a large area until the 5th depredation was confirmed on an "adjacent" property and agency removal was authorized by ODFW.

In an effort to be responsive to potential depredations on lands not adjacent, but by the same depredating pack, ODFW adopted Temporary Administrative Rules on June 29,

2010. The new OAR changed the criteria from “adjacent” to “in the area”. Conservationists raised the concern that without a definition of “in the area”, ODFW could unreasonably extend the implementation of the rule to a much larger geographic area.

It is possible that by allowing agency lethal control sooner in the 2010 Wallowa County depredation cycle, subsequent depredations may have been averted. Additionally, a more flexible rule may have allowed ODFW to more effectively target the actual depredating wolves.

The temporary rule adopted on June 29, 2010 will allow ODFW to be more responsive to wolf depredation by allowing use of specific data (i.e., radio collar information) in identifying depredating wolves and the area they are known to inhabit. In Wallowa County, it is expected that each wolf depredation event in Oregon will have unique property ownership and wolf use patterns. Because of this, a specifically defined geographic or ownership boundary to conduct lethal control is problematic. It follows that to meet the conservation needs of wolves, in cases where wolf location data is unavailable or that the identification of depredating wolves is uncertain, ODFW would be expected to maintain a conservative approach to delineating “in the area”.

Alternatives:

- Maintain current Plan language and revert to original OAR language requiring that two depredations occur on adjacent property.
- Implement the new OAR of June 29, 2010, which changed the rule from “adjacent” to “in the area”. In addition, reflect this change in the Plan language.
- Consider additional OAR language that addresses the issue of adjacency, but still defines a specific area of lethal control.

Preventative/Non-Lethal Action Concern.

Staff considers that “preventative” and “non-lethal” actions are important tools for livestock producers. Preventative actions are those that have taken place before a wolf-livestock conflict occurs while non-lethal actions are those taken after. To reduce confusion, staff suggests that the Plan should clarify the definition of both preventative and non-lethal control measures.

To achieve wolf conservation goals, the Plan emphasizes preventative efforts to discourage wolf use of private land used by livestock for the purposes of reducing conflict. Appendix P of the Plan calls for legislative approval of the take of wolves caught in the act of attacking livestock without a permit. During the 2007 Oregon Legislative Assembly, ODFW proposed a bill that would have allowed for such permitless take. While the bill contained other components, and ultimately did not pass out of committee, it did solidify ODFW’s intention to give livestock producers more tools to address livestock depredation by wolves. The current OAR that mandates efforts must be deemed ineffective before lethal permits can be issued is arguably a higher standard than originally intended in the Plan. Allowing preventative measures to “count” toward issuance of “caught in the act” lethal take permits may help align the OAR with the Plan.

Alternatives:

- No change to current OAR. Clarify the existing standard of good faith non-lethal efforts in the Plan before any lethal control can be authorized.
 - Change Plan and OAR language to allow preventative measures taken by a livestock producer to count toward issuance of a “caught in the act” permit in the event of a first depredation.
 - Change OAR language to allow preventative measures taken by a livestock producer to count toward issuance of a “caught in the act” permit following a first depredation, but include provisions that require the permit holder to continue/implement simultaneous non-lethal actions during the life of the permit.
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Policy Issue:**Is the current wolf relocation and translocation section of the plan adequate?**

- Plan Chapter II, pages 24-25
- OAR 635-110-0010 (4)

Stakeholder Input:

Comments regarding relocation of wolves in Oregon were highly polarized. Nearly all agriculture-based stakeholder groups recommended ODFW eliminate the option of relocation and translocation of wolves in Oregon. Conversely, wolf conservationists stressed that relocation and translocation are valuable tools and the Plan and rules should be less restrictive, thereby allowing a broader use of wolf relocation as a non-lethal tool.

Staff Discussion and Analysis:

The Plan states that translocation of wolves within the state may be used where needed to achieve conservation objectives (Plan Chapter II, Wolf Conservation). To date, no translocations of wolves occurred or were proposed. With some evidence of wolf activity in the Oregon Cascades (West Wolf Management Area, see Plan Figure 1), it appears that wolf dispersal may be adequate to ensure wolf conservation objectives in both the East and West Wolf Management Areas of the state.

The Plan and its associated Administrative Rules (OAR 635-110-0010) allows for relocation of wolves by state personnel if a wolf is involved in a situation or is present in an area, that could result in conflict with humans or harm to the wolf. Relocation is designed to prevent conflicts with humans or reduce the possibility of harm to a wolf. Under current OAR, wolves may only be relocated to the nearest wilderness.

During the 2009 Keating Valley wolf depredation situation, a number of stakeholders and publics expressed interest in relocating the two depredating wolves. The Department elected not to relocate the wolves for two reasons; 1) the action would not have been “preventive” as the wolves had already depredated livestock, and 2) the nearest wilderness was nearby and already part of the territory of the depredating wolves. This situation demonstrated that the Plan’s relocation text and associated OAR, especially the “nearest

wilderness” requirement, might not provide enough flexibility to prevent conflict with humans or reduce the possibility of harm to a wolf.

Maintaining the “nearest wilderness” requirement for relocation renders the current OAR ineffective in many circumstances. One corrective measure for this is to write the OAR that changes the relocation requirement from “nearest wilderness” to “suitable habitat”. As a practice, ODFW does not move wildlife involved with depredation because of the potential that moving the animal will simply move the depredation problem to a new location.

Alternatives:

- No change to current OAR or Plan. Maintain the existing translocation and relocation language, which acknowledges that wolves may be relocated only to the nearest wilderness.
- Remove both relocation and translocation from the Plan and the OAR. While ODFW may still have authority to relocate and translocate wolves in certain circumstances, this may limit management options for ODFW.
- Adopt OAR and Plan language that maintains ODFW management options by changing the “nearest wilderness” requirement to “suitable habitat” for relocation. Affirm ODFW practice that depredating wolves will not be relocated in the Plan. Maintain translocation requirements as written.
- Same as above, but remove translocation from the Plan

Policy Issue:

Are the wolf population objectives and delisting criteria adequate?

- Plan Chapter II

Stakeholder Input:

Stakeholder input was centered on three aspects of this issue; 1) population objectives by portion of the state, and 2) criteria and process to delist and relist wolves, and 3) establishing wolf management zones and updating Oregon management regions. Each aspect is described separately below.

Population objectives and delisting criteria. Input was received requesting that the delisting criteria be changed from four breeding pairs in the eastern wolf management zone to four breeding pairs statewide, or four breeding pairs on either side of the state. Concerns were also expressed that Oregon should set a maximum number of wolves or breeding pairs that are allowed in Oregon – that persistent conflict between humans and livestock makes the current population objectives unreasonable.

Others countered that the current population objective of four breeding pairs is too low to be defensible.

There was also confusion associated with the concepts of monitoring both packs and breeding pairs for delisting.

Delisting process. Some stakeholders expressed that delisting should be automatic as population goals are met, not left up to the Commission to determine if delisting is warranted. Additionally, some thought that the criteria for relisting, in the event necessary, is too slow and that the Plan should contain a “backstop” population at which wolves become automatically relisted.

Wolf management regions and establishment of wolf zones in Oregon. It was suggested that the boundary between Eastside and Westside Wolf Management Areas currently identified in the Plan) should be changed to match the listing boundary used by the USFWS.

Additionally ODFW was requested to establish a specific zone system that identifies areas where wolves would not be allowed and areas where they would be desirable.

Staff Discussion and Analysis:

Population objectives and delisting criteria. The Oregon ESA requires the conservation of wolves, and the current Plan states that successful conservation should lead to delisting. The population objective (Phase I) of four breeding pairs was established as a minimum before delisting could be considered. Additionally, the Plan assumes wolves will become established in the Eastern Wolf Management Area before the West Wolf Management Area. The decision to divide the state into two management regions provided the flexibility to delist wolves when objective levels were met in eastern Oregon while continuing conservation efforts in western Oregon. However, it is possible that wolves will become established in western Oregon by means of natural dispersal. In this event, connectivity to a larger source population may be assumed (i.e., if they are in western Oregon then they must be connected to Idaho or eastern Oregon). In this case, if four breeding pairs are reached in western Oregon, delisting could presumably occur with continued conservation in eastern Oregon. This scenario may not necessarily result in a lowering of the conservation standard in Oregon. Rather, it may help increase flexibility in management of Oregon wolves. It is important to note, however, that it is unlikely that the current criteria of four breeding pairs/eastern Oregon/three consecutive years will be met during the next evaluation period (2010-2115).

Staff suggests that changing the population objectives is outside the scope of this evaluation and outside the direction originally set by the Commission on March 12, 2010. Plan population objectives were established by extensive negotiation between members of the Wolf Advisory Group, and with only one documented breeding pair in Oregon, it is unlikely that an effective evaluation of these objectives could be made at this time.

The confusion between the monitoring of packs and breeding pairs exists because the monitoring strategy shifts from monitoring breeding pairs in Phases I and II to monitoring packs in Phase III. While the Oregon wolf population is in Phases I and II monitoring effort is focused on the number of reproducing individuals that have become established

and whether these numbers are increasing or decreasing. Once the population is in Phase III (management phase) and delisted, it is not as important to keep track of numbers of reproducing animals; numbers of packs provides a sufficient record of population status. Staff will clarify this difference in the draft Plan revision.

Alternatives:

- No change to current Plan or OAR’s. Maintain current population objectives and delisting criteria. This alternative assumes that the current criteria for delisting will not likely be met within the next five years. Clarify the strategies regarding monitoring packs vs. breeding pairs.
- Change Plan population objectives and strategies to initiate delisting when the conservation population objective of four breeding pairs for three consecutive years is met in either eastern or western Oregon.

Delisting/Relisting process. The plan states, “*The rulemaking process to consider delisting will be initiated when the conservation population objective for eastern Oregon is met.*” Some stakeholders expressed a desire to mandate delisting (not simply initiate the process) when the population goals are met. Oregon ESA requires that five determinations must be made for delisting to occur:

1. The species is not now (and is not likely in the foreseeable future to be) in danger of extinction in any significant portion of its range in Oregon or in danger of becoming endangered; and
2. The species’ natural reproductive potential is not in danger of failure due to limited population numbers, disease, predation, or other natural or human-related factors affecting its continued existence; and
3. Most populations are not undergoing imminent or active deterioration of range or primary habitat; and
4. Over-utilization of the species or its habitat for commercial, recreational, scientific, or educational purposes is not occurring or likely to occur; and
5. Existing state or federal programs or regulations are adequate to protect the species and its habitat. These determinations must be based upon verifiable scientific information.²¹

The current plan was written to satisfy these delisting requirements. However, staff believes that under existing statute and rule (ORS 496.171(1); ORS 496.176; OAR 635-100-0112 Removing Species from State List), the Commission must still make the determination based on these criteria and that those determinations should not be made in advance through this Plan. Oregon statute also provides a specific mechanism for listing any species, and ORS 496.176(7) provides for emergency listing by the Commission when there is a significant threat to the existence of wolves within the state.

Alternatives:

- No change to Plan. Maintain the existing Plan language that states if the wolf population objectives are met, then the Commission will initiate the delisting

process per current Oregon statutes. Listing or relisting of wolves under ESA would continue to follow Oregon revised Statute.

- Include provisions in OAR for mandatory delisting or relisting upon reaching Phase I population objectives.

Changing wolf management region boundaries and establishment of wolf zones in Oregon.

On May 8, 2007, ODFW requested that, for the purpose of designating and delisting a Distinct Population Segment (DPS) of gray wolves in the Northern Rocky Mountains (NRM), the USFWS adopt the Oregon east-west management region boundaries. On May 4, 2009 the USFWS removed federal protections for NRM wolves but used the DPS boundary line of Hwy(s) 97/78/95 in eastern Oregon. While this represents a change of circumstances, staff believes that changing the east/west wolf conservation region boundaries in the Plan to match the federal DPS boundary may be problematic. The Plan's east/west regions were established to increase flexibility in management while ensuring continued conservation in western Oregon. The federal DPS boundary bisects wolf habitat in the Blue Mountains of eastern Oregon. Reducing the size of the eastern Oregon wolf management region (i.e., to follow the federal DPS line) would be expected to reduce this flexibility. In addition, current conservation population objectives for Phase I would be expected to be more difficult to achieve with significantly smaller area.

The issue of zoning Oregon to delineate areas where wolves would be allowed to occur (or not to occur) is a complex social and biological issue. It was thoroughly considered in the development of the current Plan, and staff suggests this is outside the scope of this evaluation.

However, the Plan acknowledges that de-facto wolf zones will exist because of management responses, specifically wolf/livestock/human conflicts. The 2009 Keating Valley situation illustrated this when both depredating wolves were lethally removed as a result of livestock depredation. It follows that the Plan language which states “...unsuitable habitat will likely be defined by human tolerance” probably remains adequate.

Alternatives:

- No change to east/west management regions. Continue to urge USFWS to adopt a DPS boundary which is consistent with Oregon regions.
- Redefine east/west Oregon wolf management regions to align with federal DPS boundaries with the understanding that it may necessitate a revision of conservation population objectives.

Policy Issue:

In cases of suspected wolf depredation of livestock, who should confirm losses of wolf-killed livestock?

- OAR 635-110-0010 through 0030 [0010(3)(c)(A); 0010(5)(c)(A); 0020(3)(b)(A); 0020(6)(c)(A); 0030(7)]
- Plan Chapter III, pages 42-47

Stakeholder Input:

Several concerns were expressed regarding this issue. Some stakeholders requested that the Plan be revised to designate Wildlife Services' as the lead agency in confirmation of wolf-killed livestock, and subsequent actions dealing with depredation.

Others argued that ODFW, as the primary wildlife management agency in Oregon, should maintain authority over depredation confirmations. Input was also received that either agency should be able to confirm depredations.

Regardless of position, several stakeholders agreed that the Plan needs to have additional clarity on this issue and that using consistent standards when determining wolf depredation is important.

One suggested method to improve response efficiency was to include local enforcement agencies (i.e., county sheriff) as additional initial contacts for suspected wolf depredations.

Staff Discussion and Analysis:

This issue was raised during the 2010 Wallowa County wolf depredation situation (Imnaha Pack) in which ODFW and Wildlife Services personnel had differing determinations of "confirmation" on three of the first nine depredation investigations. The issue was further elevated when, under current OAR, lethal control could not be authorized unless "*ODFW confirms that wolves previously have wounded or killed livestock in the area and efforts to resolve the problem have been deemed ineffective*". While ODFW has maintained management authority of federally delisted wolves in Oregon, concerns were raised by the perceived differences between the Plan and the associated OAR's.

The Plan acknowledges the important role of Wildlife Services in assisting with wolf-livestock conflicts. In Oregon, Wildlife Services agents are often the primary contact for livestock producers (in counties with agents) when dealing with suspected depredation. Because of this, ODFW should continue to work closely with Wildlife Services to improve proper handling and investigation of livestock depredation by wolves. Ideally, if using a similar standard of evidence, both agencies would be expected to come to a common conclusion before confirming wolf depredation. In Oregon this has not always been the case, however, and because of the potential management actions that may be authorized by ODFW in response to wolf depredation (including lethal control), it will be important that ODFW continue to require a standard of conclusive evidence before wolf-caused livestock depredations are confirmed. This is especially important while wolves are listed under Oregon ESA and the Commission must demonstrate that take of wolves would promote the conservation of the species.

The suggestion of including county sheriffs as initial contacts for suspected depredation is addressed by the fact that some county sheriffs in Oregon are already being contacted in suspected depredations. In Wallowa County during the 2010 wolf depredations, the presence of the county sheriff did not influence the outcome of the depredation

investigations. However, having additional contacts for livestock producers to contact in the event of a depredation may be beneficial. Continuing efforts should be made to inform the public of contact options and how to deal with suspected wolf depredation.

Regardless of actions taken through the plan evaluation process on this issue, ODFW and Wildlife Services should continue to improve coordination between the agencies. In addition, ODFW should continue to implement training for wolf depredation investigators, which includes the required standards for confirmation of depredation.

Alternatives:

- Maintain the current requirement of ODFW confirmation of wolf depredation before implementing many of the control actions. Clarify that ODFW is the lead agency for confirming wolf depredations in the text of the Plan.
 - While in Phase I (conservation) and Phase II, maintain the requirement of ODFW confirmation of wolf depredation before implementing many of the control actions (as in current OAR's). As the wolf population increases (Phase III), designate Wildlife Services as the primary agency to investigate and confirm wolf depredations in both the Plan text and OAR.
 - Designate Wildlife Services as the primary agency to investigate and confirm wolf depredations in Oregon by changing both the Plan text and rules. Assure that such a designation meets the requirements of Oregon ESA.
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Policy Issue:

Is the current caught-in-the-act (CIA) lethal permit system adequate for addressing wolf depredation?

- OAR 635-110-0010 through 635-110-0040
- Plan Chapter III

Stakeholder Input:

Throughout the five-year implementation period, many livestock producers and organizations have requested that ODFW provide producers more tools to protect their livestock from wolves. Currently, the Plan allows for a CIA permit that allows lethal take if a wolf is seen in the act of attacking and this is defined as biting, wounding, or killing.

Much of the input received on this issue focused on broadening the current OAR to allow more flexibility on when a wolf can be taken under a CIA permit. In addition, some stakeholders requested that CIA permits be issued to producers and not necessarily the landowner.

Some requested that ODFW include “chasing and harassing” by wolves in the permit, and others asked to broaden the permit even further by making the permit a shoot-on-sight permit.

On public land grazing allotments, some thought that the Plan and OAR's regarding the area that CIA permits were valid is too vague. Specifically that CIA permits should only be issued for the allotment which a permittee holds a permit. Input was also received asking to limit the number of agents that can be allowed on a CIA permit.

Staff Discussion and Analysis:

(Note: this issue is partially addressed above in Initiating ODFW-authorized lethal take of depredating wolves)

The Plan is consistent with wolf management in other Northern Rocky Mountain states on the issuance of CIA permits while the wolf population is low. It allows livestock producers to lethally take a wolf that is caught in the act of biting, wounding, or killing livestock with a permit. Working dogs (but not sporting dogs or pets) are currently included in the definition of livestock.

The issue of expanding the definition of "attacking" to include chasing and harassing is complex. The CIA permits were intended to provide landowners the ability to deal with an emergency situation while promoting the conservation of wolves. Observing a wolf biting, wounding, or killing livestock is rare, and has not occurred in Oregon. Most wolf-livestock conflicts occur at night and, as a result, the CIA permit system has inherent limitations given how difficult it is to observe an ongoing depredation event in the dark. However, some producers have had an opportunity to take a wolf that was in close proximity to their livestock. In those instances, if a wolf had been killed (i.e., while caught chasing or harassing) it is unknown if livestock would be better protected than if the wolf was simply hazed from the livestock. Conversely, it is possible that in some cases where multiple wolves (i.e., a pack) are in close proximity to livestock and are harassing or chasing livestock, the killing of the offending wolf may help reduce further conflicts and promote conservation of non-depredating wolves.

The take provisions in the current Plan were a result of extensive negotiations between members of the original Wolf Advisory Committee. These negotiations are memorialized in the Plan. Therefore, redefining the CIA permit by adding chasing and harassing or changing the permit to a shoot-on-sight permit, constitutes a major revision of that negotiation and may be outside the scope of this evaluation. Additionally, staff is concerned that broadening the CIA language as requested may not adequately promote conservation of wolves and could negate the conservation finding as stated in the Plan – especially if changed to a shoot-on-site permit.

Another issue associated with expanding the CIA permit to include "chasing" and "harassing" is enforceability. The current OAR requires objective evidence of the attack. It is difficult to provide objective evidence that livestock were being harassed at the time it was shot. In addition, chasing and harassing are difficult terms to define in an enforceable manner. If the CIA permit is expanded to include these terms, formal definitions will be needed for purposes of aiding enforcement.

The process of issuing of the CIA permits to the landowner was problematic during the Wallowa County depredations in 2010. In situations of leased lands or absentee landowners, the process of issuance was cumbersome, as many of the actual landowners were not directly involved with the depredations. In all cases, the actual livestock producers were named as “agents” under the permits. Staff suggests naming the actual producer or livestock owner as the permit holder will streamline the process. It would require clear communication between the landowner and permittee – in some cases a landowner may not wish to allow take of wolves even if ODFW has issues a CIA permit to the producer. Staff does not believe that making this change in the Plan and OAR will change the context or scope of the CIA permit system. Additionally, it would not be expected to affect the conservation finding required by Oregon ESA.

The concern of where CIA permits are valid is currently addressed by ODFW in application of the existing rule and Plan. To date, CIA permits have been issued only for the lands owned by the permit holder in the area of the depredations. In the event that permits are issued to permittees on public land allotments, staff expects permits to be issued only for the area of the allotment where the wolf-livestock conflicts are occurring. Thus, this issue is already being addressed in practice.

Alternatives:

- No change to the scope of CIA permits. This assures that the permit, if issued meets the conservation finding of Oregon ESA.
- No change to the scope of CIA permits, but change the OAR to allow permits to be issued to livestock producers or the landowner.
- Broaden the scope of the CIA permits to include “chasing and harassing”. The Commission would need to establish the conservation finding – that liberalizing take in this case would still promote the conservation of the species. To sufficiently enforce the rule, define the terms chasing and harassing.

Policy Issue:

Should control measures for wolf-livestock conflicts be applied to pets and residences?

- OAR 635-110-0010 through 635-110-0040
- Plan Chapters III and VI

Stakeholder Input:

Some stakeholders suggested that domestic pets should receive the same protections as livestock (and working dogs). Specifically, the criteria for initiating harassment and lethal take of wolves during all phases should be applied to domestic pets.

Additionally, it was suggested that a person be allowed to kill any wolf within 500 feet of a residence.

Staff Discussion and Analysis:

The issue of applying livestock protection rules to domestic pets is problematic and is compounded by two factors; 1) pets by definition are made up of a variety of domesticated animals, and 2) some pets (i.e., house cats) tend to be far ranging from home sites. In addition, a large number of forest users take pets to the outdoors, and thereby take animals into areas with wolves. Instances of wolves around home sites resulting in conflicts with pets are low, but possible. As wolves generally avoid humans, staff believes that conflicts with pets are generally related to the distance the pet is from a human. The Plan acknowledges that hunting dogs or hounds used in areas occupied by wolves are especially at risk. However, unlike livestock in some cases, the conflict between wolves and pets is generally avoidable and efforts to inform the public on methods to avoid conflict should be increased.

The broadening of the current rule to include pets would be expected to increase the likelihood of lethal take of wolves. While state-listed as endangered, it is unknown if applying harassment and lethal control measures for pets would meet the conservation finding under Oregon ESA (i.e., a finding that the action still promotes the conservation of the species). However, as the wolf population increases, more flexibility to address wolf-pet conflicts may be appropriate. In 2008 the federal (10)(j) rule for the Northern Rocky Mountain Experimental Population was revised to include the taking of wolves if they were attacking stock animals or dogs of any kind. This was done in response to a much higher wolf population than what Oregon currently has.

The issue of wolf proximity to residences is generally associated with concerns of human safety – that a wolf near a residence increases the risk of attack. Oregon has a large and increasing number of residences in rural areas, which may be in proximity to wolves. Staff acknowledges that in some cases it may not be desirable to have wolves in close proximity to a residence. Additionally, it is important that wolves in Oregon do not become habituated to humans by frequent presence near people and houses. Two confirmed human deaths have been attributed to healthy wild wolves in the last decade on this continent, and no attacks of humans have occurred anywhere in the lower 48 states since modern recovery efforts began. Current Oregon criminal code shields a person from liability in cases where killing a wolf was necessary to avoid imminent, grave injury to a person (ORS 161.200). Unrestricted lethal take in cases where wolves are simply in the area of a residence would be expected to increase human-caused wolf mortality.

Alternatives:

- No change – do not include pets under the actions to harass and take wolves in the Plan and OAR's. Increase education efforts to inform public of ways to avoid wolf-pet conflicts.
- Include pets under the actions to harass and take wolves in the wolf-livestock conflict section of the Plan and associated OAR's.
- Include a provision for take of a wolf within 500 feet of an occupied residence. While listed under Oregon ESA the Commission would have to demonstrate that such take would continue to promote the conservation of the species.

Policy Issue:**Should the Plan mandate disease testing of Oregon wolves?**

- Plan Chapter – none currently.

Stakeholder Input:

Input on this issue focused on including disease testing and monitoring, and addressing potential wolf disease issues in the Plan. Specifically, wolves should be tested for diseases when captured or killed and that appropriate steps should be taken to protect humans, livestock, and other wildlife when diseases are detected.

Staff Discussion and Analysis:

Diseases in carnivores generally have minimal impact on humans or domestic species such as livestock. Though rare, nearly all occurrences of important diseases in carnivores are associated with carnivore-specific pathogens including viruses like rabies, canine parvovirus, and canine distemper. These usually involve public health concerns or carnivore population effects.

Recently, two diseases associated with domestic dogs and wild canids have been raised as a concern by some stakeholders. The first, neosporosis is caused by a single celled, protozoan parasite (*Neospora caninum*), is distributed worldwide, and is known to cause bovine abortion. The protozoa uses domestic dogs and coyotes as its definitive host and can occur in other wild canids like fox or wolf.

The second, hydatid disease is caused by a parasitic tapeworm (*Echinococcus granulosus*) and, like neospora, occurs worldwide using either domestic dogs or wild canids as part of its natural life cycle. For more information see:

<http://www.dfw.state.or.us/Wolves/docs/ParasiteFlyer.pdf>

Disease testing and monitoring is part of most sound wildlife management programs and should be included in Oregon's wolf management efforts. However, the following factors should be considered when addressing the issue of mandatory wolf disease testing in Oregon:

1. Identification of specific pathogens and their risk factors that pose a health threat to people, wolf populations, or domestic animals.
2. Identify the rationale for specific disease testing (surveillance, management and control, research) and whether testing meets criteria for costs versus benefits and the probability of providing meaningful results.
3. Use the best technology available or Gold Standard testing protocols for each disease selected as tests and their corresponding sensitivities and specificities vary depending on the disease, the species sampled, false positive with other pathogens, among other variables.

4. If detected, what are the identified management implications of a specific disease to humans, domestic animals, and other wildlife (i.e., is it socially or biologically important?).
5. Determine the prevalence of an identified disease tested – how many animals in the population are affected?
6. Determine the other species that may play a role in transmission, reservoir maintenance, or serve as an intermediate host in the case of parasites?
7. If a disease is known to occur in domestic or wild animals, consider testing those potentially affected species and determine the costs to producers or the state?
8. Determine if testing should be compulsory (test all live-captured or killed wolves for specific, identified diseases that meet # 1 and 2 above) or opportunistic based on management questions or research requests.
9. Determine if testing should be conducted on all known wolves for the purpose of identifying prevalence of disease or exposure to pathogens or test wolves only when captured for management actions/research or killed?
10. Determine the costs associated with testing. Costs would be expected to increase with increasing wolf population numbers. Specific test pricing is variable.
11. In the event of compulsory and population-wide testing, identify a threshold for when testing may prove unnecessary.

The interest or concern of diseases presently occurring in Oregon can change depending on the perspective of a stakeholder group, the species involved, and real or perceived threats to human or domestic animal health. For example, *Echinococcus* has been known to occur in both domestic dogs and wild canids (including foxes, coyotes, and wolves) throughout the world, but it has only recently become of high concern to certain groups of people in Oregon. *Echinococcus* has been identified in both Oregon and Idaho before the reintroduction of wolves into Idaho and subsequent immigration of wolves into Oregon. Neosporosis is also present and has been identified in cattle and ranch dogs in Oregon before wolves re-entered the state during the last decade. The risk of transmission to humans or domestic species is considered extremely low as contact with infected wolf feces is required for both parasites.

There are opportunities to learn more about the natural pathogens and parasites in wolves. One example is a recent research request from Washington State University's Department of Parasitology for ODFW to provide wolf intestinal tracts when available for the identification of gastro-intestinal parasites (personal comm. Dr. Bill Foreyt to Dr. Colin Gillin). Similar to this request, it is important that ODFW's disease testing program remain adaptive to identifying emerging and re-emerging diseases or endemic diseases already occurring on the Oregon landscape.

There are currently no known disease issues affecting Oregon wolf populations or threatening Oregon's public, wildlife, or domestic species.

Alternatives:

- Develop a wolf disease testing protocol and identify the scope and frequency of testing, specific diseases to test and monitor, and actions taken if detected and

necessary. Wolves showing clinical signs for any disease will be collected, sampled, and tested for a diagnosis at a veterinary diagnostic laboratory.

- Test all captured or killed wolves for any or all disease pathogens determined important that wolves may have been previously exposed to or presently infected.
 - Test all known wolves in the Oregon population for any or all disease pathogens determined important that wolves may have been previously exposed to or presently infected.
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Policy Issue:

Should the Plan continue to call for compensation of wolf-caused losses of livestock, working dogs, or sporting dogs?

- Plan Chapter III., and Appendix P

Stakeholder Input:

All stakeholder groups that provided input on the subject of compensation for wolf-caused livestock loss supported the general concept of compensation. Groups, however, differed in the approach to compensation and the circumstances of when it should be applied.

Staff Discussion and Analysis:

The issue of compensation for wolf-caused losses was considered in depth by the original Wolf Advisory Committee in the development of the current Plan. During adoption of the February, 2005 version of the Plan, the Commission supported the concept of creating a state-funded program to pay compensation for wolf-caused losses of livestock and to pay for proactive methods to prevent wolf depredation. However, before such a program could be implemented it required approval by the Oregon Legislature.

During the 2005 Oregon Legislative Assembly, House Bill 3478 was introduced which included, in part, a wolf compensation program. After three hearings in the House Agriculture Natural Resources Committee, the bill failed to be passed out for consideration by the full House. The Commission revised the Plan in December 2005 to be consistent with current statutes and moved the proposals to an Appendix (Appendix P). At the time, the Commission continued to call for the legislative adoption of a compensation program.

During the 2007 Legislative Assembly the Department introduced a bill (HB 2295) to establish a state-run compensation and proactive protection program as called for in the current Plan. Again, the bill failed to pass out of Committee.

Despite lack of consensus on wolf compensation by stakeholder groups during the 2005 and 2007 legislative sessions, staff continues to receive frequent input from individual livestock producers expressing support for some type of compensation program. Legislative approval is still required for any type of wolf-compensation program in Oregon operated by ODFW. Any new legislative proposal regarding wolf compensation may ultimately require consensus from stakeholders.

Alternatives:

- No change to current Plan. Continue to call for legislative approval of a sound wolf compensation program in Oregon.
 - Remove the compensation section from Appendix P in response to two failed attempts to pass the required legislation.
 - Develop and propose a new compensation proposal in the Plan and pursue legislative approval.
 - Encourage development of new compensation programs (outside of the Plan) which are user-based and managed at a local or community level. Seek federal, state, local and private funding for such a program.
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Policy Issue:

Regarding wolf-livestock conflicts, should the Plan contain different wolf management principles on public vs. private lands?

- OAR 635-110-0010 through 635-110-0030
- Plan Chapter III., and Appendix P

Stakeholder Input:

This issue is centered on the idea that non-lethal control actions should be required at a higher level on public lands before lethal control, or compensation is implemented.

Staff Discussion and Analysis:

The Plan is generally written from the standpoint that wolf-livestock conflicts are managed similarly on both public and private lands. That is that any wolf-caused losses are losses of private property regardless of the land ownership. The Preamble to the current Plan by the ODFW Commission (dated February 11, 2005) clearly states that the “*Plan does not implicate in any way grazing on public lands*”. It also recognizes that the Commission does not have the authority to change policies on public lands in this state. The application of different non-lethal/lethal standards when dealing with depredation on public land vs. private land may be contrary to this principle.

It is appropriate to explore new and adaptive management measures in response to wolf-livestock conflicts. However, staff suggests that altering the Plan to address public/private lands management concepts may be outside the scope of this evaluation. At a minimum, it would require extensive negotiation between stakeholders and a high degree of consensus. An example of this type of negotiation might be the reduction or “loosening” of a lethal or non-lethal standard on private land in exchange for a “tightening” of the same standard on public land. Regardless of negotiated output, the Commission would make the determination if the standard meets the conservation finding of ESA.

Alternatives:

- No change to current Plan standards on private and public lands.
- Consider changes to the Plan (and OAR’s) on this issue if consensus is reached between stakeholders.

Policy Issue:**Are non-lethal or preventative efforts for addressing wolf-livestock conflicts as currently stated in the Plan adequate for protecting livestock and wolves?**

(Note: This issue is partially addressed in a separate policy issue – initiating lethal take of wolves)

- OAR 635-110-0010 through 635-110-0030
- Plan Chapter III., and Appendix P

Stakeholder Input:

Stakeholders voiced two perspectives on this issue. First, some believed that the Plan should provide more emphasis on non-lethal/preventative measures before moving to lethal control. An example of this was the suggestion that ODFW require adjacent landowners to implement non-lethal actions before ODFW authorizes lethal control measures in response to wolf-livestock conflicts.

Others stated that the current non-lethal requirements are too burdensome on producers, have had little impact on preventing depredation, and that producers should not have to change livestock practices in response to wolf-livestock conflicts. Associated with this issue was the concern regarding what constitutes an “unreasonable” circumstance that attracts or causes wolf-livestock conflict.

Staff Discussion and Analysis:

The Plan states that while wolves are listed as endangered, non-lethal techniques will be the first choice of managers regardless of population status when dealing with wolf-livestock conflicts. However, staff has observed some confusion from the public regarding the “requirement” of non-lethal measures. Some have interpreted that ODFW and producers should be required to exhaust all measures before moving to lethal control. However, the Plan sets the expectation that good faith effort to achieve a non-lethal solution will be made.

While it is difficult to measure specific effectiveness of many non-lethal measures (e.g., no further depredation may be due to other factors), staff continues to believe that many of the non-lethal measures implemented in Oregon to date have had positive effects. Not all non-lethal and preventative techniques are appropriate for every situation (e.g., the installation of fladry effective with some sheep operations is generally not applicable to free-ranging cattle). In addition, new techniques are continually being developed and tested and thus, there is not a fixed list of non-lethal measures available. The wide-ranging nature of some wolves, and the large number of private land ownerships in many areas of Oregon further complicate the application of non-lethal measures across a larger area.

ODFW has a responsibility to address wolf depredation while at the same time providing conservation for endangered wolves. To accomplish this it will be important to be flexible

and understand that all wolf-livestock conflicts will have unique circumstances. Staff acknowledges that some non-lethal measures have been a burden to some producers in Oregon. While it is important to clarify that the Plan does not “require” or “mandate” non-lethal actions by producers, it does make the use of lethal control actions contingent upon efforts made to resolve the problem. Thus, the benefits of implementing any non-lethal or preventative measures to producers should be self evident if a conflict occurs.

Because of ODFW’s responsibility to address wolf depredation, staff considers the proposal to require adjacent landowners to implement non-lethal actions before ODFW could authorize additional (including lethal) control measures is outside the authority of ODFW. Many landowners simply do not have influence or control of actions on another’s property and this should not negate any corrective actions by ODFW to resolve the problem. In addition, staff understands that, in rural areas, most neighbors will implement actions to assist in resolving a problem. ODFW will continue to improve education about effective preventative methods to avoid or reduce wolf-livestock conflicts.

OAR 635-110-0010 requires that “*no unreasonable circumstances exist that attract wolf/livestock conflict*” before any injurious or lethal control actions can be implemented. However, specific definition of what is unreasonable may be problematic. To date, staff has interpreted that any condition on the landscape is not inherently “unreasonable” if the condition is a common practice and is irrespective of the presence of wolves. An example of this is a dead-livestock carcass (or pile) – a common practice of many livestock operations even before the presence of wolves. However, even if not considered unreasonable, a carcass may be observed to be an attractant to wolves. In this case, ODFW may recommend (but not require) its removal before further control actions are authorized. Conversely, a carcass that is intentionally placed in a location for the purpose of attracting wolves or other scavengers may be considered unreasonable and under the current rule, options for addressing the conflict are reduced.

Applying a definition of an attractant is problematic because managers do not always know why a wolf is present in an area. Additionally, if a wolf is present and conflict occurs, it may be impossible to determine if the conditions were responsible for attracting or causing the conflict.

Alternatives:

- No change to Plan or OAR.
- Maintain existing good faith standards for non-lethal efforts in Plan and OAR, but add additional clarification in both regarding expectation of non-lethal efforts before lethal measures can be considered.
- Specifically define non-lethal measures and unreasonable circumstances that attract or cause wolf-livestock conflict.