

Staff Summary of Policy Issues for 2016 Oregon Wolf Conservation and Management Plan Review

Introduction

This document summarizes the issues and concerns raised during the current review of the Oregon Wolf Conservation and Management Plan (Plan). It is a starting point for assessing what has worked and what can work better, based on the first 11 years of Plan implementation. This document is a result of input from staff, stakeholder groups, Tribes, and some state and federal agencies.

Background

The Commission adopted the Plan and its associated Oregon Administrative Rules (OAR) in December 2005. The Plan requires the Commission to evaluate implementation of the Plan every five years, similar to other Department plans, and the first review was completed in 2010. The 2016 Plan review is not re-write of the original Plan, though a formal review may result in a decision by the Commission to amend the Plan. This review is intended to adhere to the Plan's adaptive management approach by evaluating implementation of the Plan and including practical changes to improve implementation if necessary. Proposed changes will be a direct result of input received from stakeholder groups, the public, and staff while striving to maintain the scope and intent of the original negotiations of the 2005 Wolf Advisory Committee.

To help focus the Plan review process, staff developed the following guiding principles:

1. Adhere to the factors included in the delisting analysis when considering any proposed changes to the Plan
2. Maintain conservation focus for wolves in all population phases even though wolves are delisted
3. Maintain the overall principle of increasing flexibility in management options to deal with conflict as the population increases
4. Address Department staff workload and resources when evaluating future commitments
5. Develop a more effective workload sharing program with the USFWS to monitor expanding wolf populations and deal with wolf-livestock conflict situations in the federally listed portion of Oregon

Currently through the review process, most input has been related to the conservation and future population management of wolves (Chapter 2 of the Plan) and the management of wolf-livestock conflicts (Chapter 3 of the Plan). These revisions are more substantive in nature and are included in this exhibit as significant policy issues for discussion and consideration by the Commission. Additionally, some of the requested revisions to the current Plan are best categorized as general updates and will be addressed along with a general scientific update in the draft Plan scheduled for December.

POLICY ISSUES

Issue #1. Should the Plan establish population management areas/zones with numerical objectives for Phase 3?

Plan Location: Chapter 2, Pg. 19-28

Rule Location: N/A

Background of Issue: The current Plan uses two zones only for the purpose of providing management flexibility while maintaining needed conservation in the western portion of the state. It is based on the importance of maintaining population connectivity with a larger population in eastern Oregon and Idaho. During this review process, the establishment of zones and population objectives (in Phase 3) was suggested by some stakeholders as a way for the agency to implement population management (in Phase 3 of Plan) similar to many other wildlife species by establishing an objective or desired number of wolves per zone.

Stakeholder Input: Concerns raised on this issue ranged from opposition to any form of population caps, potential exclusion zones, and local level management of wolves. Proponents of the concept believe that wolf populations should be managed in concert with prey and other predator populations and view zones/objectives as a necessary element of effective management.

Staff discussion and analysis: The idea of establishing zones and population objective levels when in Phase 3 is contemplated in the current Plan (Page 28). However, the establishment of zones which are smaller than the current Plan may be premature. Oregon's wolf population is still expanding and there are many portions of Oregon without established packs. Further, the Department's population viability analysis which was conducted in 2015, suggests that attempts to limit the population to a number less than 250-300 wolves would increase the probability of the population falling below seven breeding pairs. Using the 2015 population figures, and at current growth rates, the population is not expected to reach this level for three to five years.

An important aspect of zoning and establishing population objective levels is an understanding of the probability of occurrence, habitat capability, prey availability, and population capacity of a particular geographic area or zone. Currently, the Department does not have a metric to measure these factors by, and there are likely no portions of Oregon which have reached capacity.

Proposed address of issue by staff:

- For this planning cycle, maintain the two-zone concept in current Plan as a way to maintain management flexibilities in the Eastern portion of the state while providing necessary protections in Western part of the state.
- To inform the future establishment of wolf zones and management of populations within those zones the Department should use Oregon data to model wolf occupancy, habitat, and distribution within Oregon.
 - Provide a scientific basis for establishing effective zones, population objectives, and effects of management options on population performance into the future.
 - This is a longer term project that can be directed as part of this plan review.

- Expect to begin project in two to three years. The wolf population will not likely reach 300 wolves for three to five years, and the Department will have more data for inclusion into the model.
- This approach is consistent with current Plan expectations – planning for further population goals once in Phase 3 (p28), and provisions to address conflicts with other uses (p28, 36, 65).
- Model results could be incorporated by Commission action at a later time during this plan period (2016-2021) or during subsequent review.

Issue #2. Are the special status game mammal standards which are currently in the Plan adequate?

Related issues:

- a) **Should hunting/trapping be used as a management tool for wolves?**
- b) **Are the ungulate and depredation factors which may lead to ODFW management actions in Phase 3 adequate?**

Plan Location: Chapter 2, Pg. 35-37, 51, 65

Rule Location: OAR 635-110-0030(7)

Background of issue: In 2009, the Oregon Legislature changed the status of wolves from protected non-game wildlife to a special status game mammal under ORS 496.004 (9) and directed the Commission to define the substantive standards governing this classification. To meet this requirement, the current Plan contains standards including the use of controlled take as a management response tool to assist in some situations of chronic depredation and where wolves impact wild ungulate populations, and an increase in penalties for the illegal taking of wolves.

Stakeholder Input:

Stakeholders are sharply divided on the issue of hunting as a management response tool, with some opposed to any type of planned or regulated take for management purposes. This includes the use of hunters and trappers as well as agency take of wolves in response to impacts on important feeding areas. Stakeholders opposed to the use of hunters for wolf management purposes often refer to “sport hunting” of wolves in other states as examples of failed wolf policy. Other stakeholders expressed that take of wolves in response to ungulate declines should only occur if peer-reviewed science supports it. Lastly, it has been suggested by some stakeholders that the use of licensed hunters in wolf management creates a financial incentive for the agency to conduct lethal control.

Proponents cite the use of licensed hunters and trappers to assist ODFW wolf management as consistent with the general tenets of North American wildlife management for a number of wildlife species. In addition, some stakeholders expressed that managing game (including predatory) species in concert with each other and within available prey resources and management objectives is important.

Staff discussion and analysis:

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, and as the population approaches Phase 3 in eastern Oregon the standards are now a cause of great concern for some stakeholders.

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 agency take of wolves becomes necessary per the Plan, 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 assist ODFW by increasing agency capacity for other important wolf management activities – furthering the Plan expectation of increased flexibilities in management as the wolf population increases.

The Plan's current game mammal standards are clearly different from many states wolf hunting programs. Specifically, under the current 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 reduce ambiguity, provide parameters of when applied, and improve functionality of the Plan's game mammal standards.

Proposed address of issue by staff:

- Maintain the current Plan's approach to 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
 - The take may only address a chronic depredation situation in a specific or local area, and
 - The take may only occur in an area in Phase 3 of the Plan
 - The take will not impair population viability or reduce overall population health factors within the region, and
 - Wild ungulate population or recruitment declines
 - The take may only occur in an area in Phase 3 of the Plan, and
 - The take will not impair population viability or reduce overall wolf population health factors within the region, and
 - The ungulate population is below management objectives in a WMU, and

- ODFW has determined that wolves are a significant factor in the population not meeting established ungulate objectives and that the controlled take action is expected to remedy the situation.
- Do not allow general season hunts or population regulation hunts during this planning cycle. Population management may only occur in the future pending complete population analysis as described in Issue 1 above.
- Retain provisions of the Plan (Pg. 65) 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.

Issue #3. Should the Department modify its current reliance on radio/GPS telemetry to monitor the wolf population and provide information to livestock producers?

Plan Location: Chapter 2, Pg. 31-32

Rule Location: N/A

Background of issue: This issue is primarily raised by Department staff. Current Plan language mandates the use of collaring/telemetry as the primary method for monitoring wolves. This is consistent with many states that have wolves, and is most useful when populations are small. However, as the Oregon wolf population increases in both number and distribution, maintaining the specified collared wolves is problematic. Collar failure, wolf dispersal, and mortality are the three primary causes of collar loss and result in a nearly continuous capture and collaring effort – increasing costs and risk to wolves and biologists.

The Plan calls for wolves to be collared primarily for population monitoring purposes. However, it also provides that information from radio monitoring be used to keep livestock producers informed of areas of wolf activity. In many situations wolves have been collared specifically for the purpose of managing wolf-livestock conflict, further adding to the need for continuous collaring of wolves.

Stakeholder Input: Stakeholders are generally aware of the difficulty of maintaining collared wolves within packs. Some stakeholders expressed opposition to arbitrary or overly burdensome collaring requirements, and state that collaring should address conservation, research, social acceptance, and conflict prevention. Others proposed that ODFW maintain collars on at least 50% of known packs, prioritizing packs which are in proximity to livestock. Stakeholders and staff agreed on the importance of maintaining scientifically sound monitoring protocols and accurate population information.

Staff discussion and analysis: The collaring of wolves provides information on wolf activity, behavior, dispersal, and territory use. In addition, because wolves are secretive, travel

extensively, and occur in remote locations, collars have greatly assisted the Department's ability to conduct annual population counts as required in many parts of the Plan.

In Phase 3 of the Plan, wolves will be monitored through counts of packs and collaring of wolves is expected to be used in select situations only. However, the commitment of having multiple collared wolves (including breeders and at least 1 GPS collar) in each pack while in Phase 1 and 2 may not be practical or necessary in many situations. The per-wolf cost of capturing and collaring is highly variable based on the method used, and usually ranges between \$2,000 and \$7,000 per wolf. Under the current Plan approach, this requires a significant portion of wolf program funds (especially considering a growing wolf population).

Proposed address of issue by staff:

- In Phase 1 and 2, maintain reliance on collars and focus on collaring breeding adults only to the extent practical. Regardless of which wolves are collared, attempt to have at least one collar in each pack. In Phase 3, as needed in select situations only.
- For population counts maintain the current phased system – counting breeding pairs in Phase 1 and 2, and packs (collaring in certain situations) in Phase 3.
- The use of GPS collars is not always necessary, and less expensive collaring options should be considered wherever possible.

Issue #4. Are the population objective numbers for Phase 2 and 3 adequate?

Plan Location: Chapter 2, Pg. 26-31

Rule Location: N/A

Background: The three-phased population approach was established to commit measurable objectives for tracking progress toward specific goals (e.g., conservation/delisting, management, etc.). In early 2015, the Department entered Phase 2 of the Plan when the wolf population in eastern Oregon met the Phase 1 objective of four breeding pairs for three consecutive years. On November 9, 2015 the Commission approved the delisting of wolves from the list of Oregon Endangered Species – though wolves in western Oregon remain in Phase 1 (with ESA-like protections) of the Plan. At the time of this writing it is expected that wolves in eastern Oregon will achieve Phase 3 population objectives in eastern Oregon as early as 2017.

Stakeholder input on this issue: Some stakeholders have requested that the Department re-evaluate current population objectives and adjust to “comport with scientifically defensible definitions of recovery”. Opponents of this request did not want to see an unnecessary “changing of the bar” as each phase’s population threshold is reached.

Staff discussion and analysis: At the heart of this issue is if adjustment of each Phase’s population objectives is necessary to ensure conservation. To date, some population objectives in the Plan have been reached, and the rapidly growing population, combined with the ‘*three consecutive year*’ requirement has meant that the population has far exceeded each phase’s base population objective before moving to the next phase (for example in 2015 there were 10 breeding pairs in the East WMZ even though that zone is in Phase 2). The population in both the eastern and western wolf management zones increased following delisting and the findings of the

delisting analysis conducted in 2015 demonstrated a healthy and productive wolf population which will likely continue to increase.

The Phase 3 population objective of seven breeding pairs for three consecutive years is not a target number of a population cap. In discussions with stakeholders there was some discussion of adding an additional phase (e.g., a Phase 4) in which additional population management measures might be considered. However, the current Plan already contemplates the establishment of maximum population levels in the future, and such an action would likely require an extensive population modeling effort as described under Issue #1 above.

While there is little to indicate that the current population objectives for each phase are biologically inadequate, the relationship between population performance factors and the population objectives will continue to be important. The objectives were developed assuming an upward progression (i.e., Phase 1 → Phase 2 → Phase 3) and the population fitness factors which allow the increase to occur. This increase has occurred similarly in nearly all western states with established wolf populations. However, in a situation where population performance declines, the population objectives may not be adequate, and if population fitness measures worsen to the point where the population declines, consideration for relisting the species may be necessary well before Phase 1 levels are reached.

Proposed address of issue by staff:

- Maintain current population objectives in Plan but address the possibility of population declines and the potential for relisting in any phase. Reaffirm in the Plan the separation between ESA listing criteria and the population objectives by adding language to the Plan that even though four breeding pairs for three consecutive years was/is the conservation objective, a declining wolf population may be considered for relisting at numbers well above four breeding pairs if the population fitness factors warrant.

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 agency 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 temporal component.

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 temporal 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, 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, 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 varied on the effectiveness of lethal removal and 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), and science does not generally answer questions related to appropriate levels of damage sustained before offending animals are removed.

Proposed address of issue 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.

Issue #6. Should the Plan carry forward the Phase 1 non-lethal requisites for lethal control of depredated 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 agency 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 Agency 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 has increased to date 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 by the agency.

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

- Areas of depredated 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 on the agency 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 address of issue 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 agency consideration of lethal control of problem wolves.

Issue #7. In the federally delisted portion of Oregon, should the Department conduct all depredation investigations when in Phase 3?

Related issue: Reducing wolf-related workload for Department field personnel

Plan Location: Chapter 3, Pg. 51-54

Rule Location: OAR 635-110-0030 (3), (5), (6), (7)

Background: In the state managed portion of Oregon, and in Phase 1 and 2, the Department conducts depredation investigations for the purpose of implementing the rule and the Plan's management tools related to wolf-livestock conflict. In Phase 3, wolf depredation may be confirmed by either the Department or APHIS-Wildlife Services. Some stakeholders have requested the Plan be amended to retain Department authority over wolf-related investigations (as far as implementing the Plan and rule) in all phases of the Plan. In federally listed areas of Oregon, the current Plan states that the US Fish and Wildlife Service is responsible for investigating reported wolf depredations.

This issue has a historical context as in 2010 the Plan was changed to remove Wildlife Services authority to confirm wolf depredation while in Phase 1 and 2. This amendment affirmed the importance of a standard of conclusive evidence before wolf-caused livestock depredations are

confirmed – especially in situations where lethal control actions may be authorized by the Department in response to wolf depredation.

Stakeholder input on this issue: Concerns by some stakeholders with APHIS-Wildlife Services conducting investigations included their perception of that agency’s lack of public transparency and accountability to all parties. Furthermore, they requested that the Department maintain its transparency and strict procedures and training levels with regard to investigations. Other stakeholders requested that Wildlife Services continue to play a defined role in wolf management and that the Plan should provide a framework of qualifications for those Wildlife Services agents who conduct investigations when in Phase 3. Related to this issue is the concern by some stakeholders that the increasing number of wolf investigations, with a growing wolf population, is placing a severe workload on Department field staff, and that spreading the wolf investigation workload between agencies may provide remedy.

Staff discussion and analysis: 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 many livestock producers (in counties with agents) when dealing with suspected depredation. It follows that the use of Wildlife Services to assist with wolf investigations follows the guiding principle (#3 above) of increasing flexibility in management options as the population increases.

The wolf-related demands on Department field staff has increased significantly and in several field offices has become very large, primarily a result of the increasing number of depredation investigations conducted by field staff. For example, to date in 2016 Department staff have conducted 52 investigations and this compares to 33 in all of 2015. This increase is expected to continue as wolves continue to expand across the state. In Phase 3, the ability to share the wolf investigation workload and other wolf related tasks (such as implementation of non-lethal preventative measures) with Wildlife Services is expected to help this situation, though the cost of this assistance to the Department is unknown at this time and is likely dependent on those portions of Oregon with Wildlife Services field agents.

The Department will continue to rely on evidence-based information when conducting investigations of suspected wolf depredation. This will be especially important in situations of confirmed wolf depredation because of the potential management actions (e.g., lethal removal) that could result. Because of this, and regardless of who conducts the investigation in Phase 3, it will be important to have a consistent protocol, training, and standards of confirmation.

Proposed address of issue by staff:

- Continue the Department’s reliance of evidence-based investigations (regardless of who conducts) when determining wolf depredation using field staff specifically trained in wolf depredation.
- Develop certification training protocols for all wolf depredation investigators, which includes the required standards for confirmation of depredation as well as toolkit for non-lethal options.

- In Phase 3, regardless of agency conducting investigations, develop Plan language that clarifies that the Department will consider all evidence available when considering lethal control.

Issue #8. Should the Department initiate a facilitated wolf advisory group process to aide wolf management in Oregon?

Plan Location: N/A

Rule Location: N/A

Background: The original (2005) Plan was crafted with extensive public input from a 14-member wolf advisory group representing a variety of stakeholder positions on wolves. In 2010, the Plan review and revision was largely the result of direct discussions with individual stakeholder group representatives at that time. In both cases, the use of stakeholder group input was primarily applied to the Plan through the Commission's public input process. This current request for establishment of a new stakeholder wolf advisory group is brought forward as an ongoing method for stakeholders and the Department to collaborate on issues which are beyond the scope of the current Plan review.

Stakeholder input on this issue: Stakeholders in support of this concept cite the current Wolf Advisory Group (WAG) process occurring in Washington in which a facilitated process is used to promote more effective dialog, through relationship building, among stakeholder representatives. Proponents of this concept believe that the development of a WAG in Oregon would help resolve long-term and deep-rooted social conflicts related to the management of wolves.

Staff discussion and analysis: Staff has observed a trend of increasing tension among some stakeholder groups, primarily related to the issue of any kind of lethal take. For example, most comments and concerns related to the Commission's 2015 delisting decision was related to concerns of lethal take. In nearly every place where wolves occur, the potential for lethal take in response to management situations increases as the wolf population increases and this has the effect of increasing conflict which is often based on group identity. Staff concurs with some stakeholders that the continuation of deep-rooted conflicts related to wolf management are often identity-based and are difficult for the Department to address through traditional agency approaches. For the Department, these conflicts often manifest through legislative or litigated processes, and usually have a negative public relations outcomes. Likewise, a long-term, externally facilitated WAG process could require significant funding and personnel resources to initiate and continue over time.

Proposed address of issue by staff:

- Address social conflict over wolves by regularly collaborating with stakeholders on issues and discussing new information related to wolf conservation and management. At the conclusion of the Plan review process, implement a WAG in Oregon to improve respectful and productive dialog between wolf stakeholder groups and the Department.

- The WAG would be advisory only, but could make solution-based recommendations regarding Oregon wolf management. In particular there is recognized capacity to be more collaborative on the importance of non-lethal activities.
- The need for a neutral facilitator and the frequency of meetings of the group will be determined by the Department and will be based on the number and severity of the issues or conflicts, and available funding. Initially, the group would attempt to meet quarterly.

Issue #9. Should the Plan allow for increased flexibility and expediency around the issue of lethal take in response to wolf-livestock conflict?

Related Issues: Counting “probable” determinations toward lethal control, local investigations and decisions, and improving expediency

Plan Location: Chapter 3, Pg. 41-54

Rule Location: 635-110-0020 (6)

Background: The management of wolf-livestock conflict has been a source of contention between some stakeholders and the Department, and for this reason most of the Department’s wolf management resources (funding and personnel) are expended on this single issue. Under the current Plan, wolf depredation of livestock carries with it a number of actions and potential ramifications, up to and including lethal removal of depredating wolves in certain circumstances.

Stakeholder input on this issue: The request of counting probable determinations toward lethal control of wolves is based on the belief by some stakeholders that the Department should mitigate its “high bar” of confirming depredations by allowing two “probable” determinations to serve the same function in rule as a confirmed determination. Some stakeholders who are opposed to this approach request that ODFW maintain its strict procedures, training levels, and transparency with regard to wolf-livestock investigations.

Some stakeholders have also requested that decisions regarding wolf-livestock investigations and management actions should be made at the local field office level, thereby improving expediency and efficiency. This is how livestock damage issues involving bears and cougars are generally resolved.

Staff discussion and analysis: Under the Department’s current protocols, ‘probable’ determinations occur when the investigator does not have physical evidence to confirm if depredation by wolves actually happened. It would be problematic to conduct lethal control in situations where depredation has not been confirmed. However, in situations where wolf depredation has been confirmed, information gained from additional probable determinations may be helpful in assessing the severity of the depredation problem and possible solutions. Based on Oregon data, the use of probable determinations (in lieu of confirmed) were not likely to have a significant effect as probable determinations are rare in comparison to ‘confirmed’, ‘possible/unknown’, and ‘other’ determinations. Probable determinations are currently used for the purpose of authorizing compensation.

Regarding expediency and the request that determinations and response decisions are made by local field office personnel, it is important to note that in today’s political and litigious environment, decisions regarding controversial aspects of wolf management (e.g., lethal control)

are most effectively made by the agency at the highest levels, and this requires detailed information and an accurate process of depredation confirmation. The Department's meticulous investigation and confirmation process is clearly a result of previous challenges to the Department's determinations. It follows that issues which require meticulous tracking, oversight, and extensive decision frameworks simply take longer and more personnel resources to complete.

Proposed address of issue by staff:

- Maintain the current Plan requirement of a minimum number of 'confirmed' determinations before lethal control is considered by the agency. However, once this level of confirmed depredation is met, use 'probable' determinations to assess the severity of a wolf depredation situation and possible solutions.
- In all Plan phases, and regardless of who conducts the investigation, continue to rely on evidence-based procedures when investigating complaints of wolf-livestock depredation. However, the Department should continue to streamline the process and look for efficiencies where possible.

Issue#10. Should the Plan create a third-party review process in situations of disputed depredation investigations?

Plan Location: N/A

Rule Location: N/A

Background: This issue is related to an ongoing concern by some stakeholders that that the Department's depredation investigation review process is conducted by the region manager, and is inherently biased. This leaves no recourse for producers in situations where the Department's determination is disputed – furthering the concern that the Department is solely in charge of investigations, determinations, and deciding when lethal control is authorized.

Stakeholder input on this issue: Opposing stakeholders stated concerns that involving other outside agency investigations bring unnecessary conflict and that if third party review does happen, then it must be impartial and qualified.

Staff discussion and analysis: The current Department investigation process is as follows: ODFW investigation by field biologist → field biologist prepares a draft report and determination → wolf program (internal) review → ODFW makes official determination → if disputed, request for agency review/reconsideration → ODFW Region Manager review and final determination. The Department has for many years had a process to consider any submitted third party information related to wolf-livestock investigations, but has rarely received any substantive information.

Probably the only way for truly independent review to occur is by a panel made up of diverse representatives, and there are likely few people available with training or experience in wolf depredation. If a third party review system were implemented, the Department would still be accountable for all available evidence when making decisions of lethal control of wolves.

Perhaps the most important concern related to a third party review system is the addition of more process when dealing with potential depredation situations – in direct contrast to some stakeholder requests for increased expediency. Outside review would increase personnel expenditure, and would be expected to slow or stop the decision process in some situations.

Proposed address of issue by staff:

- Include clarification of current protocol and how third party information is to be used in Plan.
- Maintain the use of evidence-based investigations and determinations when implementing all Plan phases. In Phase 3, determinations will be made by certified investigators to continue to emphasize the requirement for substantive evidence when making lethal control decisions.