

Agenda Item Summary

BACKGROUND

The Wolf Conservation and Management Plan was written by a broad spectrum of user groups and serves as a blueprint for wolf conservation in Oregon. The Plan recognizes the role of wolves on the landscape, but also acknowledges that the presence of wolves may lead to conflict with livestock and big game. Consequently, the Plan contains specific provisions that identify the circumstances under which wolves can be actively managed to protect livestock and to maintain big game populations. In response to repeated livestock depredations, the department began lethal control of some wolves from the Imnaha Pack in the summer of 2011. As a result of these actions, Oregon Wild, Cascadia Wildlands and the Center for Biological Diversity filed both an injunction to stop the control actions and a lawsuit challenging the department's authority to lethally remove wolves while listed under the Oregon Endangered Species Act. Beginning in 2012, the petitioners, Oregon Cattleman's Association and the department have sought to resolve the lawsuit. Eventually the Center for Biological Diversity withdrew, while the remaining parties continued negotiations. A Settlement Agreement was reached in late May 2013. The Settlement consists of three main parts:

1. A new set of proposed rules that will guide wolf-livestock conflict management during Phase 1 of the Plan;
2. Legislation that covers both the department and landowners and identifies the circumstances when wolves may be lethally taken; and
3. Assurances that the Governor will ensure that both the rules and legislation are adopted as agreed to by the parties to the Settlement.

Another component of the Settlement was a temporary rule that governs treatment of depredations by the Imnaha pack that occurred between January 28, 2013 and May 15, 2013. The Commission adopted that temporary rule on June 6, 2013, and it expires on December 3, 2013. No further action is required for that rule.

PUBLIC INVOLVEMENT

None

ISSUE 1

ADOPTON OF RULES TO RESOLVE WOLF LAWSUIT

ANALYSIS

The proposed rules are a result of over one year of mediation between the parties to the lawsuit. As written, these rules formalize many agency processes, require better documentation of non-lethal efforts, require more transparency of department decisions and more explicitly define the requirements that must be met in order for a confirmed livestock depredation to count towards when wolves may be lethally removed. As noted above, much of the proposed rule merely formalizes current management practices.

The proposed rules contain six important sections beginning with Division 110-0010 (6) and ending at (11).

Section (6) sets the initial parameters for when lethal take may be authorized.

Section (7) identifies the specific conditions for lethal take and changes the definition of chronic depredation. This section identifies a series of steps that must be undertaken by the department once a wolf pack has been identified. Information on pack home ranges, wolf management and livestock deterrence measures must be made available to landowners and other interests. Additionally, if a depredation occurs there are now clearer expectations on the steps that must be taken by the department and by landowners in order for any future depredations to count towards lethal removal.

The new definition of “chronic depredation” requires at least 4 confirmed and qualifying depredations within a 6-month time period. Previously, only two confirmed depredations were necessary in order for depredation to be considered chronic and lethal take to be authorized. In order for a depredation to qualify, the landowner must have been conducting and documenting the non-lethal action(s) they have been implementing.

Section (8) lists the conditions under which a depredation can qualify towards a chronic designation. There are several parts to this section and all deal with depredations. This section is very similar to the requirements in the existing Plan, however the main concepts have been spelled out in more detail. This section does not mandate that landowners must take actions to minimize the chance of wolf attacks and depredations. The new rules do, however, more clearly identify the need for non-lethal actions by landowners in order for a confirmed depredation to qualify for lethal take by the department.

Section (9) lists the public disclosure requirements for department actions and decision making. Disclosure will not include personal information such as addresses or phone numbers of landowners.

Subsection (10) sets the duration and timing of lethal take authority. In the past the department had not imposed any time limit for lethal take. This section adopts a 45-day time restriction for lethal take, which is consistent with the other western states. It also identifies other circumstances that would cause the department to withdraw and reinstate lethal take actions.

Subsection (11) was developed to recognize that there may be cases of extreme circumstances that result in multiple depredations in a short period of time. Under this circumstance it may be impossible for the department and landowners to fully implement the provisions of the above subsections. In those rare cases, the department would still have the ability to lethally take wolves.

Finally, since the Settlement Agreement and the new rules only apply to Phase 1 of the Wolf Conservation and Management Plan, it was necessary to change the references in the Phase 2 Rules to insert the appropriate original Phase 1 language describing chronic depredation, non-lethal actions and lethal take authority.

OPTIONS

**STAFF
RECOMMENDATION**

Adopt the proposed rules as proposed by staff.

DRAFT MOTION

I move to adopt the addendum and amendments to OAR 635-110-0010 and 0020 as proposed by staff.

EFFECTIVE DATE

Upon filing.