

## Agenda Item Summary

### BACKGROUND

The Oregon Wolf Conservation and Management Plan (Plan) and its associated Oregon Administrative Rules (OAR 635, division 110) contain provisions related to the management of wolf-livestock conflict in Oregon. On July 12, 2013, the Oregon Fish and Wildlife Commission (Commission) adopted amendments to OAR 635-110-0010(6)-(10). These provisions regulate lethal take of wolves to address chronic livestock depredation during Phase I (Conservation Phase) of the Plan. The amendments were a result of a lawsuit, a subsequent settlement agreement on May 23, 2013, and new legislation regarding lethal take of wolves (HB 3452 (2013)).

The Governor signed HB 3452 into law on July 19, 2013. That bill removed permit requirements for lethal take of wolves caught in the act of biting, wounding, killing, and chasing livestock or working dogs in certain circumstances. On October 1, 2013, the department filed a temporary rule to implement HB 3452 which replaced the portion of rule 635-110-0010(5) related to this caught in the act take.

These proposed rules do the following:

- Make permanent the provisions of the October 1, 2013 temporary rule specific to caught in the act take in Phase I (635-110-0010(5)).
- Remove the Phase I reference in the Phase II caught in the act provision, 635-110-0020(5), and make that provision compatible with HB 3452 by allowing lethal take of wolves without a permit if caught in the act of biting wounding, killing, or chasing wolves in certain circumstances.
- Update certain descriptive notes and caveat portions of OAR 635-110-0000 through 0030 to reflect the agency's address change, current dates, federal listing status, and legislative changes.

Adopt the addendum to the Plan which clarifies the new rule changes and informs readers of the relationship between the rules and the Plan.

Finally, as a reminder, as part of the lawsuit settlement the Commission adopted a temporary rule to address chronic depredation by the Imnaha Pack only (OAR 635-110-0009). That rule expired by operation of law on November 19, 2013.

**PUBLIC INVOLVEMENT** None

### ISSUE 1

### ADOPTION OF RULES TO IMPLEMENT NEW LEGISLATION

### ANALYSIS

The proposed changes to Division 110-0000 through 0030 contain three general components.

Incorporates all of the current (but temporary) provisions of 635-110-0010(T) section (5) and makes them permanent rule. HB 3452 requires these provisions while in Phase I of the Oregon Wolf Conservation and Management Plan.

Revisions to 635-110-0020(5) remove the Phase I reference and make this part of the Phase II rule compatible with HB 3452 by allowing lethal take of wolves without a permit if caught in the act of biting wounding, killing, or chasing wolves in certain circumstances. It differs from the Phase I rule by removing the prerequisites of use of non-lethal measures and "chronic" status to caught in the act take of a wolf chasing livestock or working dogs. All other portions of section (5) remain the same as the Phase I section (5). The remainder of the 0020 rule retains the language and intent of the pre-lawsuit rule.

Non-substantive administrative language changes to OAR 635-110-0000 through 0030 are proposed to accurately update the agency address, relevant dates, relationship to federal listing status, and to remove outdated references to legislative action.

## **ISSUE 2**

### **ADOPTION OF PLAN ADDENDUM TO CLARIFY RULE REVISIONS**

## **ANALYSIS**

The proposed Plan addendum is necessary to summarize the new rules if adopted. In addition, the addendum informs the reader that in cases where the rule differs from the Plan, the rule governs. It is anticipated that these differences between rule and Plan language will be addressed during the next Plan revision.

## **OPTIONS**

## **STAFF RECOMMENDATION**

Adopt the proposed rules and addendum as proposed by staff.

<b>DRAFT MOTION</b>	I move to adopt the rule changes to OAR 635-110-0000 through 0030 and to adopt the Plan addendum as proposed by staff.
<b>EFFECTIVE DATE</b>	Upon filing.