

DIVISION 110

OREGON WOLF CONSERVATION AND MANAGEMENT PLAN

635-110-0000

Wolf Conservation Management Plan

The document entitled "Oregon Wolf Conservation and Management Plan" dated October 2010 is incorporated here by reference as administrative rule. (This incorporation by reference includes the body of the Plan plus its Appendix A. Other appendices are excluded.) Copies may be obtained at the Salem headquarters office of the Oregon Department of Fish and Wildlife, 3406 ~~Cherry Avenue~~ NE4034 Fairview Industrial Drive S.E., Salem, OR 97302~~3~~. This document includes program direction, objectives and strategies to fulfill management, research, and habitat needs. It is also intended as an informational document to assist resource management agencies with their wildlife program. As of ~~October 1, 2010~~ January 10, 2014, those portions of the plan which authorize harassment or take of wolves are pre-empted in a portion of Oregon by the endangered status of the gray wolf under the federal Endangered Species Act. ~~Once~~ In the portion of Oregon where federal protections are reduced to a level below that of Oregon law, ~~these portions of the~~ this plan will govern harassment and take of wolves in Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162 & 498.012

Stats. Implemented: ORS 496.171-496.192, 497.298, 497.308, 498.002, 498.006 & 498.012

635-110-0009(T)**~~Lethal Take Authority for Confirmed Wolf Depredation from January 28, 2013 through May 15, 2013~~**

~~—Upon filing of this temporary rule, and regardless of any other provisions and future amendments to Oregon Administrative Rules chapter 635, division 0110-0010, ODFW confirmed depredations from January 28, 2013 through May 15, 2013 may be considered qualifying depredations for purposes of lethal take authority for a period of 6 months from the date of confirmation, up to a maximum of three qualifying depredations.~~

~~—For any pack of wolves responsible for three or more depredations between January 28, 2013 and May 15, 2013, any additional ODFW confirmed depredation(s) may qualify provided the following have been met:~~

~~—(a) the owner or legal occupant of the land on which a depredation occurred has removed, treated or disposed of all intentionally placed or known and reasonably accessible unnatural attractants of~~

1 potential wolf livestock conflict, such as bone or carcass piles or disposals sites; and carcass piles or
2 disposals sites; and

3 —(b) the owner or legal occupant of the land has been implementing at least one non-lethal measure
4 that is specific to the location, type of livestock operation, time of year, and/or period of livestock
5 production associated with the depredation.

6 —Upon determining that the above requirements have been met, ODFW may implement lethal take
7 authority on or before November 15, 2013, provided that there have been 4 qualifying depredations
8 within the previous 6 months by the same wolf or wolves.

9 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162~~

10 ~~Stats. Implemented: ORS 496.171—496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026~~

12 **635-110-0010(F)**

13 **Harassment and Take of Wolves during Phase I (Conservation)**

14 **NOTE:** As of ~~October 1, 2010~~ **January 10, 2014**, these rules are pre-empted **in a portion of Oregon**
15 by the endangered status of the gray wolf under the federal Endangered Species Act. ~~One~~ **In the**
16 **portion of Oregon where** federal protections are reduced to a level below that of Oregon law, these rules
17 will govern harassment and take of wolves in Oregon.

18 (1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW
19 (~~or ODFW or Wildlife Services acting as their agent~~) during Phase I — (Conservation: 0–4 breeding
20 pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters
21 of the Plan authorize ODFW to take wolves for other specified wildlife management purposes. For OAR
22 635-110-0010, 635-110-0020 and 635-110-0030, “livestock” means horses, jackasses, cattle, llamas,
23 alpacas, sheep, goats, swine, domesticated fowl, any fur-bearing animal bred and maintained
24 (commercially or otherwise) within pens, cages and hutches, bison and working dogs. “Working dogs”
25 means guarding dogs and herding dogs.

26 (2) Non-injurious harassment.

27 (a) Subject to the conditions specified in paragraph (c), the following persons may use non-injurious
28 harassment against wolves without a permit:

29 (A) Livestock producers (or their agents) on land they own or lawfully occupy; or

30 (B) Grazing permittees legally using public land under valid livestock grazing allotments.

31 (b) Non-injurious harassment means scaring off a wolf (or wolves) without doing bodily harm, and
32 includes (but is not limited to) firing shots in the air, making loud noises or otherwise confronting the
33 wolf (or wolves).

34 (c) Non-injurious harassment is allowed without a permit under this rule only if:

1 (A) The wolf (or wolves) is in the act of testing or chasing livestock, is attempting to test or chase
2 livestock or is in close proximity of livestock;

3 (B) The person encounters the wolf (or wolves) unintentionally (i.e., the person is not stalking or
4 searching for wolves);

5 (C) The harassment in fact does not result in injury to the wolf (or wolves); and

6 (D) The harassment is reported to ODFW within 48 hours.

7 (d) Any non-injurious harassment that does not meet each requirement of this rule requires a permit in
8 advance from ODFW.

9 (3) Non-lethal injurious harassment.

10 (a) Subject to the conditions specified in paragraph (c), in addition to state or state authorized agents,
11 the following persons may use non-lethal injurious harassment against wolves by permit:

12 (A) Livestock producers (or their agents) on land they own or lawfully occupy;

13 (B) Grazing permittees legally using public land under valid livestock grazing allotments.

14 (b) Non-lethal injurious harassment means scaring off a wolf (or wolves) without killing but with
15 some injury to the wolf. Wolves may be pursued (unintentional encounters are not required).

16 (c) Non-lethal injurious harassment is allowed by permit from ODFW only if:

17 (A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. "Other
18 wolf-livestock conflict" means loitering near, testing, chasing, or otherwise disrupting livestock;

19 (B) The applicant confers with ODFW to determine the most effective harassment method;

20 (C) ODFW considers the location of known den sites;

21 (D) The harassment in fact does not result in the death of a wolf;

22 (E) No identified circumstance exists that attracts wolf/livestock conflict; and

23 (F) The harassment is reported to ODFW within 48 hours.

24 (d) Permits for non-lethal injurious harassment remain valid for the livestock grazing season in which
25 issued, provided the livestock operator complies with all applicable laws, including permit conditions.
26 The agency shall inform harassment permit holders of non-lethal methods for minimizing wolf-livestock
27 conflict and provide assistance upon request. Receiving future lethal control permits is contingent upon
28 documentation of efforts to use non-lethal methods.

29 (4) Relocation. ODFW will authorize relocation by state personnel when a wolf (or wolves) becomes
30 inadvertently involved in a situation, or is present in an area, that could result in conflict with humans or
31 harm to the wolf, provided that ODFW has no reason to believe that the wolf actually attacked or killed
32 livestock or pets. The relocation will be designed to prevent conflict with humans or reduce the
33 possibility of harm to the wolf. The wolf (or wolves) would be relocated to suitable habitat at the
34 direction of ODFW.

1 (5) Lethal take of wolves in the act of biting, wounding, killing or chasing livestock or working dogs.

2 (a) A person, or an agent as described in paragraph (b), may lethally take a wolf on land the person
3 owns or lawfully occupies only if:

4 (A) The wolf is caught in the act of

5 (a) Biting, wounding or killing livestock or working dogs; or

6 (b) Chasing livestock or working dogs, if the person has first undertaken nonlethal actions as
7 specified in 8(b)(C) and 8(c) of this rule, and the taking occurs during a time period in which ODFW has
8 determined a situation of chronic depredation exists; and

9 (B) No person has used bait or taken other intentional actions to attract wolves.

10 (b) A landowner or lawful occupant of land may authorize an agent to enter the land for the purpose of
11 taking wolves pursuant to 5(a) on the landowner or occupant's behalf. The authorization must be in
12 writing, be carried by the agent when wolves are taken, and must include:

13 (A) The date of issuance of the authorization;

14 (B) The name, address, telephone number and signature of the person granting authorization;

15 (C) The name, address, and telephone number of the person to whom authorization is granted; and

16 (D) The expiration date of the authorization, which may not be later than one year from the
17 issuance date.

18 (c) Any person who takes a wolf pursuant to 5(a) and 5(b) of these rules must make all reasonable
19 efforts to preserve the scene, not remove or disturb the wolf carcass, and report the take to ODFW
20 within 24 hours.

21 ~~NOTE: The Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in
22 this situation without a permit on private land. However, the Plan recognizes that because current statute
23 requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the
24 legislature. Should the legislature make that statutory change, the Commission will amend this rule to
25 allow for take without permit.~~

26 (6) Lethal take to address chronic livestock depredation. ODFW may authorize its personnel or
27 authorized agents to use lethal force on a wolf or wolves it reasonably believes are responsible for
28 chronic depredation upon livestock where each of the conditions in subsections (7) through (10) of this
29 rule is satisfied. ODFW shall limit lethal force to the wolf or wolves it deems necessary to address the
30 chronic depredation situation

31 (7) Conditions for Lethal Take by ODFW. ODFW's discretionary authority for use of lethal force
32 pursuant to this rule may be exercised if ODFW:

33 (a) Designates an Area of Known Wolf Activity, the boundary of which may be adjusted as new data
34 or information become available;

1 (b) Upon the designation of an Area of Known Wolf Activity, coordinates in a timely manner with
2 potentially affected livestock producers and other relevant interests to provide information on:

3 (A) The provisions of the Oregon Wolf Conservation & Management Plan and associated rules,

4 (B) The current state of knowledge of wolf behavior, management, and conservation,

5 (C) Procedures for documenting and reporting wolf activity to ODFW, including depredations
6 upon livestock, and

7 (D) Non-lethal measures, incentives and available assistance aimed at minimizing conflicts
8 between wolves and livestock or domestic animals in the area of known wolf activity;

9 (c) Confirms an incident of depredation of livestock by a wolf or wolves;

10 (d) Within 14 working days of ODFW's confirmation of the first incident of depredation in an area:

11 (A) Designates an Area of Depredating Wolves, the boundary of which may be adjusted as new
12 data or information become available;

13 (B) Concurrent with the designation of an Area of Depredating Wolves, prepares and publicly
14 discloses an area-specific wolf-livestock conflict deterrence plan in coordination with potentially
15 affected landowners, livestock producers and other relevant interests. The plan shall identify
16 appropriate non-lethal measures according to which measures are likely to be most effective in a
17 given circumstance, including the nature of the livestock operations, habitat, and landscape
18 conditions specific to the area, as well as particular times of the year or period of livestock
19 production. The plan shall be based on information compiled by ODFW before and/or during the
20 planning effort on potentially successful conflict deterrence techniques, scientific research, and
21 available financial resources and/or partnerships that may aid in the successful implementation of
22 the plan. ODFW may update an area-specific conflict deterrence plan as new data become
23 available.

24 (e) Confirms a total of at least 4 qualifying incidents of depredation of livestock within the previous 6
25 months by the same wolf or wolves.

26 (f) Issues and makes publicly available, prior to the exercise of lethal force, a written determination
27 by the ODFW Director or director's designee to use lethal force to address a specified situation of
28 chronic depredation, along with supporting findings that:

29 (A) The conditions of Sections 7, 8, and 9 of this rule have been satisfied;

30 (B) Livestock producers in the Area of Depredating Wolves have worked to reduce wolf-
31 livestock conflict and are in compliance with wolf protection laws and the conditions of any
32 harassment or take permits.

33 (C) The situation of wolf depredation upon livestock in the Area of Depredating Wolves is likely
34 to remain chronic despite the use of additional non-lethal conflict deterrence measures; and

1 (D) The wolf or wolves identified for removal are those ODFW believes to be associated with
2 the qualifying depredations, the removal of which ODFW believes will decrease the risk of
3 chronic depredation in the Area of Depredating Wolves.

4 (8) Qualifying Contingencies and Counting Incidents:

5 (a) An incident of depredation is a single event resulting in the injury or death of one or more
6 lawfully present livestock that is reported to ODFW for investigation, and upon investigation by ODFW
7 or its agent(s), ODFW confirms to have been caused by a wolf or group of wolves.

8 (b) A qualifying incident of depredation is a confirmed incident of depredation for the purposes of
9 this rule if:

10 (A) The depredation is outside of an Area of Known Wolf Activity or Area of Depredating
11 Wolves. Only the first confirmed depredation by a wolf or wolves may count as a qualifying
12 depredation,

13 (B) In an Area of Known Wolf Activity, the landowner or lawful occupant of the land where the
14 depredation occurred had:

15 (i) At least seven days prior to the incident of depredation, removed, treated or disposed
16 of all intentionally placed or known and reasonably accessible unnatural attractants of
17 potential wolf-livestock conflict, such as bone or carcass piles or disposal sites, and

18 (ii) Prior to and on the day of the incident of depredation, been using at least one measure
19 ODFW deems most appropriate from non-lethal deterrence measures identified pursuant
20 to section (7)(b)(D) to protect calving operations, nursing cattle, sheep operations, or
21 other reasonably protectable situations, not including open range situations. Once a
22 confirmed depredation has occurred in an Area of Known Wolf Activity and while
23 ODFW is in the process of designating an Area of Depredating Wolves and creating an
24 area-specific conflict deterrence plan, only one additional confirmed depredation in an
25 area may count as a qualifying depredation under this subsection.

26 (C) In an Area of Depredating Wolves, the landowner or lawful occupant of the land where the
27 depredation occurred had:

28 (i) Complied with subsection (B) of this section, and

29 (ii) Prior to and on the day of the incident of depredation was implementing at least one
30 non-lethal measure identified in the area-specific conflict deterrence plan developed
31 under subsection (7)(d)(B) that is specific to the location, type of livestock operation,
32 time of the year, and/or period of livestock production associated with the depredation.
33 The conflict deterrence plan measure implemented by a landowner or lawful occupant
34 must address wolf-livestock conflict in open range situations when that situation exists.

1 (c) Human presence, when used as a non-lethal measure under this rule, is presence which could
2 reasonably be expected to deter wolf-livestock conflict under the circumstances and, regardless of the
3 temporal requirements of sections 7(b)(B) and (C) of this rule, may be considered an appropriate non-
4 lethal measure if it:

5 (A) Occurs at a proximate time prior to and in an area proximate to a confirmed depredation as
6 determined by ODFW, and

7 (B) Indicates a timely response to wolf location information in situations of potential wolf-
8 livestock conflict.

9 (9) Transparency and Public Disclosure.

10 (a) Except as provided in section (c) below, prior to using lethal force to address chronic wolf
11 depredation, and in a timely fashion, ODFW shall document and make publicly available on at least its
12 website:

13 (A) The determinations and supporting findings referenced in section (7)(f) of this rule;

14 (B) Information including but not limited to summaries of confirmed incidents of depredation and
15 associated depredation investigation reports, maps of areas of known wolf activity and areas of
16 depredating wolves, including changes and amendments to those maps, and area specific conflict
17 deterrence plans; and

18 (C) Documentation of measures implemented pursuant to Section 8 of this rule. In documenting
19 the removal of unnatural attractants and implementation of conflict deterrence measures, the
20 Department may rely upon documented personal observation and/or written statements by the
21 owner or lawful occupant of the land where qualifying incidents of depredation have occurred
22 that confirm the non-lethal deterrence measures being utilized prior to and at the time of the
23 qualifying depredation.

24 (b) In any signed statements and other information publicly disclosed pursuant to this section, the
25 Department shall redact from public disclosure the personal information of landowners, lawful
26 occupants, or other relevant individuals consistent with the Oregon public records law, ORS Chapter 192.

27 (c) In the case where the conditions in Section 7(f) of this rule have been met but strict compliance
28 with the public disclosure requirements of this section cannot be accomplished without a delay that
29 impedes ODFW's ability to pursue an immediately available opportunity to remove the wolf or wolves it
30 reasonably believes responsible for chronic depredation prior to another depredation event on livestock,
31 this section is deemed satisfied if, prior to the use of lethal force, ODFW:

32 (A) Provides email or phone notification from the ODFW Director or designee to a list of
33 interested stakeholders communicating the findings in Section 7(f) of this rule and the
34 Department's intent to pursue immediate lethal action based on those findings,

1 (B) Has previously documented and disclosed, on at least the agency's website, the information
2 referenced in subsections (a)(A)-(C) of this section with respect to all but the most recent
3 qualifying depredation that resulted in ODFW's determination to pursue lethal action, and
4 (C) Provides the remaining information referenced in subsections (a)(A)-(C) of this rule in a
5 timely manner with respect to the most recent qualifying incident that ODFW pursues with
6 immediate lethal action.

7 (10) Duration of chronic depredation lethal take authority. Take authority issued pursuant to
8 subsection (7) expires:

9 (a) When the wolf or wolves identified for lethal removal have been removed by ODFW or any other
10 party.

11 (b) ODFW may reinstate its take authority if ODFW confirms one additional qualifying incident of
12 depredation within two months after the last confirmed qualifying depredation by what it believes to be a
13 member or members of the same wolf pack and non-lethal efforts specified in Section 8 have continued
14 to be implemented by the owner or lawful occupant of land where the additional depredation occurs;

15 (c) 45 days after issuance of the take authority and determination referenced in Section 7(f), unless
16 ODFW confirms, within that time period, another qualifying incident of depredation on livestock by
17 what it believes to be the same wolf or wolves identified for lethal removal and non-lethal efforts
18 specified in Section 8 have continued to be implemented by the owner or lawful occupant of land where
19 the additional depredation occurs; or

20 (d) If ODFW determines the wolf or wolves identified for lethal removal have left the Area of
21 Depredating Wolves. To support this determination, data must show more than just a short-term or
22 seasonal movement outside the area's boundary.

23 (e) Except as allowed under subsections (b) and (c) of this Section, any subsequent authorization or
24 reinstatement of take authority by the Department must comply with Sections 7 through 9 of this rule,
25 and must be based upon at least one additional qualifying depredation.

26 (11) Lethal take in the case of extreme circumstances. Notwithstanding sections (7) and (8) of this
27 rule, ODFW may authorize the use of lethal force in extreme circumstances.

28 (a) Extreme circumstances means:

29 (A) Four or more confirmed incidents of depredation of livestock by what ODFW reasonably
30 believes to be the same wolf or wolves within seven days;

31 (B) ODFW determines, based on evidence it makes publicly available, that there were no
32 intentionally placed or known and reasonably accessible unnatural attractants such as bone or
33 carcass piles or disposal sites that contributed to the incidents of depredation, and that non-lethal
34 measures are and will likely remain ineffective; and

1 (C) ODFW finds that depredation has rapidly escalated beyond the reasonable, available means
2 of ODFW and affected livestock owners to stop additional livestock losses from occurring.

3 (b) A decision to utilize lethal force authority due to extreme circumstances shall be made by the
4 ODFW director or director's designee, accompanied by the findings and determinations required in
5 section 11(a) made publically available on ODFW's website, and exercised within 14 days of the
6 determination to exercise lethal force authority under this section, or of the last confirmed depredation,
7 whichever comes later.

8 Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

9 Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

10
11 **635-110-0020**

12 **Harassment and Take of Wolves During Phase II (Management)**

13 **NOTE:** as of ~~October 1, 2010~~ **January 10, 2014**, these rules are pre-empted **in a portion of Oregon** by
14 the endangered status of the gray wolf under the federal Endangered Species Act. ~~Once~~ **In the portion of**
15 **Oregon where** federal protections are reduced to a level below that of Oregon law, these rules ~~will~~
16 govern harassment and take of wolves in Oregon.

17 (1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW
18 (or ODFW or Wildlife Services acting as their agent) during Phase II — (Management: 5-7 breeding
19 pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters
20 of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

21 (2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-
22 110-0010(2)).

23 (3) Non-lethal injurious harassment.

24 (a) Non-lethal injurious harassment is allowed without a permit on private land by livestock producers
25 or their agents on land they own or lawfully occupy. Livestock producers are encouraged to use non-
26 injurious techniques first. There must be no identified circumstance that attracts wolf-livestock conflict,
27 and the harassment must be reported to ODFW within 48 hours.

28 (b) Non-lethal injurious harassment is allowed by permit on public land by grazing permittees who are
29 legally using public land under valid livestock grazing allotments and upon the following conditions:

30 (A) ODFW confirms wolf depredation on livestock or other wolf-livestock conflict in the area. "Other
31 wolf-livestock conflict" means loitering near, testing, chasing, or otherwise disrupting livestock;

32 (B) ODFW considers the location of known wolf sites;

33 (C) There is no identified circumstance at the site which attracts wolf/livestock conflict; and

34 (D) The harassment is reported to ODFW within 48 hours.

1 (c) As to non-lethal injurious harassment on either private or public land, pursuing wolves is allowed.

2 (4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-
3 110-0010(4)).

4 ~~(C) (5) Lethal take of wolves in the act of **biting, wounding, killing or chasing** [attaeking] livestock **or**
5 **working dogs.** [is allowed under the same conditions as in Phase I (OAR 635-110-0010(5)).]~~

6 **(a) A person, or an agent as described in paragraph (b), may lethally take a wolf on land the
7 person owns or lawfully occupies only if:**

8 **(A) The wolf is caught in the act of biting, wounding, killing or chasing livestock or working
9 dogs; and**

10 **(B) No person has used bait or taken other intentional actions to attract wolves.**

11 **(b) A landowner or lawful occupant of land may authorize an agent to enter the land for the
12 purpose of taking wolves pursuant to 5(a) on the landowner or occupant's behalf. The
13 authorization must be in writing, be carried by the agent when wolves are taken, and must
14 include:**

15 **(A) The date of issuance of the authorization;**

16 **(B) The name, address, telephone number and signature of the person granting
17 authorization;**

18 **(C) The name, address, and telephone number of the person to whom authorization is
19 granted; and**

20 **(D) The expiration date of the authorization, which may not be later than one year from the
21 issuance date.**

22 **(c) Any person who takes a wolf pursuant to 5(a) of these rules must make all reasonable efforts
23 to preserve the scene, not remove or disturb the wolf carcass, and report the take to ODFW within
24 24 hours.**

25
26 ~~NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in
27 this situation *without a permit on private or public land.* However, the Plan recognizes that because
28 current statute requires a permit, implementing this portion of the Plan depends upon amendment of the
29 statute by the legislature. Should the legislature make that statutory change, the Commission will amend
30 this rule to allow for take without permit.~~

31 (6) Lethal take to deal with chronic depredation.

32 (a) ODFW may authorize its personnel, authorized agents, or Wildlife Services, to use lethal force on
33 wolves at a property owner or permittee's request if:

34 (A) ODFW confirms either:

1 (i) Two confirmed depredations by wolves on livestock in the area; or

2 (ii) One confirmed depredation followed by three attempted depredations (testing or stalking) in the
3 area;

4 (B) The requester documents unsuccessful attempts to solve the situation through non-lethal means;

5 (C) No identified circumstance exists that attracts wolf-livestock conflict; and

6 (D) The requester has complied with applicable laws and the conditions of any harassment or take
7 permit.

8 (b) Subject to the conditions specified in paragraph (c) and with a limited duration permit from
9 ODFW, the following persons may use lethal force to deal with chronic depredation:

10 (A) Livestock producers (or their agents) on land they own or lawfully occupy; or

11 (B) Grazing permittees legally using public land.

12 (c) ODFW will issue a permit to use lethal force to deal with chronic depredation only if:

13 (A) ODFW confirms that the area has had at least two depredations by wolves on livestock;

14 (B) ODFW determines that wolves are routinely present on that property and present a significant risk
15 to livestock;

16 (C) There is no identified circumstance at the site which attracts wolf/livestock conflict;

17 (D) The applicant is in compliance with applicable laws and the terms of any previous wolf permit;

18 (E) The applicant documents use of non-lethal methods; and

19 (F) Any wolf taken is considered property of the state and reported to ODFW within 48 hours.

20 (7) "Identified circumstance" means a condition which:

21 (a) ODFW determines, based upon its investigation of the situation, attracts wolves and fosters
22 conflict between wolves and livestock; and

23 (b) ODFW advises the landowner, livestock producer or grazing permittee to remedy; but

24 (c) The landowner, livestock producer or grazing permittee fails to remedy.

25 (8) "In the area" means where ODFW has determined the presence of the depredating wolves.
26

27 Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

28 Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026
29

30 **635-110-0030**

31 **Harassment and Take of Wolves during Phase III**

32 NOTE: as of ~~October 1, 2010~~ **January 10, 2014**, these rules are pre-empted in a portion of Oregon
33 by the endangered status of the gray wolf under the federal Endangered Species Act. ~~Once~~ In the

1 **portion of Oregon where** federal protections are reduced to a level below that of Oregon law, these rules
2 will govern harassment and take of wolves in Oregon.

3 (1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW
4 (or ODFW or Wildlife Services acting as their agent) during Phase III (more than 7 packs) as called for in
5 chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize
6 ODFW to take wolves for other specified wildlife management purposes.

7 (2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR
8 635-110-0010(2)).

9 (3) Non-lethal injurious harassment is allowed under the same conditions as in Phase II (OAR 635-
10 110-0020(3)), except that wolf depredation on livestock or other wolf-livestock conflict may be
11 confirmed by either ODFW or Wildlife Services.

12 (4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-
13 110-0010(4)).

14 (5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as for
15 Phase II (OAR 635-110-0020(5)), except that wolf depredation on livestock may be confirmed by either
16 ODFW or Wildlife Services.

17 ~~NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves~~
18 ~~in this situation *without a permit on private or public land*. However, the Plan recognizes that because~~
19 ~~current statute requires a permit, implementing this portion of the Plan depends upon amendment of the~~
20 ~~statute by the legislature. Should the legislature make that statutory change, the Commission will amend~~
21 ~~this rule to allow for take without permit.~~

22 (6) Lethal take of wolves to deal with chronic depredation is allowed under the same conditions as for
23 Phase II (OAR 635-110-0020(6)), except that wolf depredation on livestock may be confirmed by either
24 ODFW or Wildlife Services.

25 (7) The Commission will authorize controlled take of wolves by special permit in specific areas
26 where necessary to address chronic wolf-livestock conflicts or ungulate population declines. "Chronic"
27 means two livestock depredations have been confirmed by ODFW or Wildlife Services, or one
28 depredation followed by three attempted depredations (testing or stalking). The Commission may also
29 choose to authorize such controlled take on private lands where the landowner is willing to provide
30 access.

31
32 Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

33 Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

1 **635-110-0040**

2 **Incidental Take of Wolves**

3 Any person may apply for a permit to authorize take of a gray wolf (or wolves) incidental to an
4 otherwise lawful activity, as per OAR 635-100-0170. However, ORS 496.172(4) prohibits the
5 Commission from issuing an incidental take permit for a species that is federally listed.

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7 Statutory authority: ORS 496.012, 496.138, 496.146, 496.162

8 Statutes implemented: ORS 496.171-.496.192, 497.298, 497.308, 498.002, 498.006, 498.012, 498.026

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