

DIVISION 110

OREGON WOLF CONSERVATION AND MANAGEMENT PLAN

635-110-0000

Wolf Conservation Management Plan

(1) The document entitled "Oregon Wolf Conservation and Management Plan" (**Plan**) dated ~~[October 2010]~~**June 2019** 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.) **The Plan includes program direction, objectives and strategies to manage gray wolves in Oregon and defines the special status game mammal designation.** Copies may be **viewed on the Oregon Department of Fish and Wildlife (Department) website or** obtained at the Salem headquarters office of the Oregon **Department** of Fish and Wildlife, 4034 Fairview Industrial Drive S.E., Salem, OR 97302. **In the event of conflict between this plan and the associated rules, the technical rules govern.**

(2) To the extent practicable, at least once every five years the Department shall review the Wolf Conservation and Management Plan and make recommendations to the Commission for any changes to the Plan. Review of the Plan should include incorporation of the best available science and should also seek comments from scientific and management experts in Oregon and other western states.

~~[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 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. In the portion of Oregon where federal protections are reduced to a level below that of Oregon law, this plan governs harassment and take of wolves in Oregon.]~~

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, [&] 498.012, **& 498.014**

Stats. Implemented: ORS **496.012, 496.138, 496.146, 496.162,**[496.171-496.192, 497.298, 497.308,] 498.002, 498.006,[&] 498.012 **& 498.014**

1 **635-110-0005**

2 **Definitions**

3 **(1) “Depredation” means an incident or event that results in the confirmed injury or**
4 **death of lawfully present livestock or working dogs on federal, state, tribal, or other**
5 **public lands, or private lands, by one or more wolves.**

6 **(2)“Identified circumstance” means a condition which:**

7 **(a) The Department determines, based upon its investigation of the situation, attracts**
8 **wolves and fosters conflict between wolves and livestock; and**

9 **(b) The Department advises the landowner, livestock producer or grazing permittee to remedy;**
10 **but**

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

12 **(3) “In the area” means where the Department has determined the presence of the depredating**
13 **wolves.**

14 **(4) “Lethal take” means management actions resulting in the death of a wolf or wolves.**

15 **(5)“Livestock” means ratites, horses, mules, jackasses, cattle, llamas, alpacas, sheep,**
16 **goats, swine, domesticated fowl, bison, and livestock working dogs, and any fur-bearing**
17 **animal bred and maintained (commercially or otherwise) within pens, cages and**
18 **hutches.**

19 **(6) “Non-injurious harassment” means scaring off a wolf (or wolves) without doing bodily**
20 **harm, and includes, but is not limited to, making loud noises or otherwise confronting the**
21 **wolf (or wolves).**

22 **(7) “Non-lethal injurious harassment” means scaring off a wolf (or wolves) older than 6**
23 **months without killing but with some injury to the wolf.**

24 **(8) “Other wolf-livestock conflict” means testing, chasing, or otherwise disrupting**
25 **livestock.**

26 **(9) “Take”, as defined by Oregon law (ORS 496.004(16)), means to kill or obtain**
27 **possession or control of any wildlife.**

28 **(10) “Working dogs” means guarding dogs and herding dogs used to actively aid in the**
29 **herding or protection of livestock.**

30 **Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 498.012 & 498.014**

31 **Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, ~~496.171-496.192,~~ 498.002, 498.006**
32 **498.012 & 498.014**

1 635-110-0010

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

3 NOTE: As of ~~[January 10, 2014]~~ **April 19, 2019**, the portions of these rules regarding harassment
4 and take of wolves are pre-empted in a portion of Oregon by the endangered status of the gray wolf
5 under the federal Endangered Species Act. In the portion of Oregon where federal protections are
6 reduced to a level below that of Oregon law, these rules govern harassment and take of wolves in
7 Oregon.

8 (1) This rule describes factors and regulations related to ~~[the types of]~~ harassment and take of
9 wolves ~~[allowed by persons outside ODFW]~~ during Phase I ~~[— (Conservation: 0–4 breeding pairs) as~~
10 ~~called for in chapter III]~~ of the Oregon Wolf Conservation and Management Plan. ~~[Other chapters of the~~
11 ~~Plan authorize ODFW to take wolves for other specified wildlife management purposes. For OAR 635-~~
12 ~~110-0010, 635-110-0020 and 635-110-0030, “livestock” means ratites, horses, mules, jackasses, cattle,~~
13 ~~llamas, alpacas, sheep, goats, swine, domesticated fowl, any fur-bearing animal bred and maintained~~
14 ~~(commercially or otherwise) within pens, cages and hutches, bison and working dogs. “Working dogs”~~
15 ~~means guarding dogs and herding dogs.]~~

16 (2) Non-injurious harassment.

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

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

20 (B) Grazing permittees (or their agents) legally using public land under valid livestock grazing
21 allotments.

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

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

26 (A) The wolf (or wolves) is in close proximity of livestock or in the act of other wolf-livestock
27 conflict ~~[testing or chasing livestock, is attempting to test or chase livestock or is in close proximity~~
28 ~~of livestock];~~

29 ~~[(B) The person encounters the wolf (or wolves) unintentionally (i.e., the person is not stalking~~
30 ~~or searching for wolves);]~~

31 ~~[(C)]~~ (B) The harassment in fact does not result in injury to the wolf (or wolves); and

32 ~~[(D)]~~ (C) The harassment is reported to ~~[ODFW]~~ the Department within 48 hours.

1 (d) Any non-injurious harassment that does not meet each requirement of this rule requires a permit in
2 advance from [ODFW] **the Department**.

3 (3) Non-lethal injurious harassment.

4 **(a) Non-lethal injurious harassment is conducted for the purpose of minimizing wolf-livestock**
5 **conflict when livestock are present.**

6 ~~{(a)}~~ **(b)** Subject to the conditions specified in paragraph (c), in addition to state **employees** or state
7 authorized agents, the following persons may use non-lethal injurious harassment against wolves by
8 permit:

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

10 (B) Grazing permittees **(or their agents)** legally using public land under valid livestock grazing
11 allotments.

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

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

15 ~~{(e)}~~ **(d)** Non-lethal injurious harassment is allowed by permit from [ODFW] **the Department** only if:

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

19 (B) The applicant confers with [ODFW] **the Department** to determine the most effective
20 harassment method(s);

21 (C) [ODFW] **The Department** considers the location of known den sites;

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

23 (E) No identified circumstance exists that attracts wolf-livestock conflict; and

24 (F) The harassment is reported to [ODFW] **the Department** within 48 hours.

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

30 (4) Relocation. [ODFW] **The Department** may authorize relocation by state personnel when a wolf
31 (or wolves) becomes inadvertently involved in a situation, or is present in an area, that could result in
32 conflict with humans or harm to the wolf, provided that [ODFW] **the Department** has no reason to

1 believe that the wolf actually attacked or killed livestock or pets. The relocation will be designed to
2 prevent conflict with humans or reduce the possibility of harm to the wolf. The wolf (or wolves) would
3 be relocated to suitable habitat at the direction of [ODFW] **the Department**.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (7) Conditions for Lethal Take by [ODFW] **the Department**. [ODFW] **The Department's**
30 discretionary authority for use of lethal force pursuant to this rule may be exercised if the [ODFW]
31 **Department:**

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

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

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

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

7 (C) Procedures for documenting and reporting wolf activity to [ODFW] **the Department**,

8 including depredations upon livestock, and

9 (D) Non-lethal measures, incentives and available assistance aimed at minimizing conflicts

10 between wolves and livestock or domestic animals in the [a]Area of [k]Known [w]Wolf

11 [a]Activity;

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

13 (d) Within 14 working days of [ODFW] **the Department**'s confirmation of the first incident of

14 depredation in an area: (A) Designates an Area of Depredating Wolves, the boundary of which
15 may be adjusted as new data or information become available;

16 (B) Concurrent with the designation of an Area of Depredating Wolves, prepares and publicly

17 discloses an area-specific wolf-livestock conflict deterrence plan in coordination with potentially

18 affected landowners, livestock producers and other relevant interests. The plan shall identify

19 appropriate non-lethal measures according to which measures are likely to be most effective in a

20 given circumstance, including the nature of the livestock operations, habitat, and landscape

21 conditions specific to the area, as well as particular times of the year or period of livestock

22 production. The plan shall be based on information compiled by [ODFW] **the Department**

23 before and/or during the planning effort on potentially successful conflict deterrence techniques,

24 scientific research, and available financial resources and/or partnerships that may aid in the

25 successful implementation of the plan. [ODFW] **The Department** may update an area-specific

26 conflict deterrence plan as new data become available.

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

29 (f) Issues and makes publicly available, prior to the exercise of lethal force, a written determination
30 by the [ODFW] **Department** Director or director's designee to use lethal force to address a specified
31 situation of chronic depredation, along with supporting findings that:

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

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

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

6 (D) The wolf or wolves identified for removal are those [ODFW] **the Department** believes to
7 be associated with the qualifying depredations, the removal of which [ODFW] **the**
8 **Department** believes will decrease the risk of chronic depredation in the Area of Depredating
9 Wolves.

10 (8) Qualifying Contingencies and Counting Incidents:

11 (a) An incident of depredation is a single event resulting in the injury or death of one or more
12 lawfully present livestock that is reported to [ODFW] **the Department** for investigation, and upon
13 investigation by [ODFW] **the Department** or its agent(s), [ODFW] **the Department** confirms to have
14 been caused by a wolf or group of wolves.

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

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

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

- 22 (i) At least seven days prior to the incident of depredation, removed, treated or disposed
23 of all intentionally placed or known and reasonably accessible unnatural attractants of
24 potential wolf-livestock conflict, such as bone or carcass piles or disposal sites, and
25 (ii) Prior to and on the day of the incident of depredation, been using at least one measure
26 [ODFW] **the Department** deems most appropriate from non-lethal deterrence measures
27 identified pursuant to section (7)(b)(D) to protect calving operations, nursing cattle, sheep
28 operations, or other reasonably protectable situations, not including open range situations.
29 Once a confirmed depredation has occurred in an Area of Known Wolf Activity and
30 while [ODFW] **the Department** is in the process of designating an Area of Depredating
31 Wolves and creating an area-specific conflict deterrence plan, only one additional
32 confirmed depredation in an area may count as a qualifying depredation under this

1 subsection.

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

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

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

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

15 (A) Occurs at a proximate time prior to and in an area proximate to a confirmed depredation as
16 determined by [ODFW] **the Department**, and

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

19 (9) Transparency and Public Disclosure.

20 (a) Except as provided in section (c) below, prior to using lethal force to address chronic wolf
21 depredation, and in a timely fashion, [ODFW] **the Department** shall document and make publicly
22 available on at least its website:

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

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

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

1 qualifying depredation.

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

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

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

15 (B) Has previously documented and disclosed, on at least the agency's website, the information
16 referenced in subsections (a)(A)-(C) of this section with respect to all but the most recent
17 qualifying depredation that resulted in [ODFW] **the Department**'s determination to pursue
18 lethal action, and

19 (C) Provides the remaining information referenced in subsections (a)(A)-(C) of this rule in a
20 timely manner with respect to the most recent qualifying incident that [ODFW] **the**
21 **Department** pursues with immediate lethal action.

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

24 (a) When the wolf or wolves identified for lethal removal have been removed by [ODFW]
25 **Department** or any other party.

26 (b) [ODFW] **The Department** may reinstate its take authority if [ODFW] **the Department** confirms
27 one additional qualifying incident of depredation within two months after the last confirmed qualifying
28 depredation by what it believes to be a member or members of the same wolf pack and non-lethal efforts
29 specified in Section 8 have continued

30 to be implemented by the owner or lawful occupant of land where the additional depredation occurs;

31 (c) 45 days after issuance of the take authority and determination referenced in Section 7(f), unless
32 [ODFW] **the Department** confirms, within that time period, another qualifying incident of

1 depredation on livestock by what it believes to be the same wolf or wolves identified for lethal
2 removal and non-lethal efforts
3 specified in Section 8 have continued to be implemented by the owner or lawful occupant of land where
4 the additional depredation occurs; or

5 (d) If ~~[ODFW]~~ **the Department** determines the wolf or wolves identified for lethal removal
6 have left the Area of Depredating Wolves. To support this determination, data must show more
7 than just a short-term or seasonal movement outside the area's boundary.

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

11 (11) Lethal take in the case of extreme circumstances. Notwithstanding sections (7) and (8) of this
12 rule, ~~[ODFW]~~ **the Department** may authorize the use of lethal force in extreme circumstances.

13 (a) Extreme circumstances means:

14 (A) Four or more confirmed incidents of depredation of livestock by what ~~[ODFW]~~ **the**
15 **Department** reasonably believes to be the same wolf or wolves within seven days;

16 (B) ~~[ODFW]~~ **The Department** determines, based on evidence it makes publicly available, that
17 there were no intentionally placed or known and reasonably accessible unnatural attractants such
18 as bone or carcass piles or disposal sites that contributed to the incidents of depredation, and that
19 non-lethal measures are and will likely remain ineffective; and

20 (C) ~~[ODFW]~~ **The Department** finds that depredation has rapidly escalated beyond the
21 reasonable, available means of ~~[ODFW]~~ **the Department** and affected livestock owners to stop
22 additional livestock losses from occurring.

23 (b) A decision to utilize lethal force authority due to extreme circumstances shall be made by the
24 ~~[ODFW]~~ **the Department** director or director's designee, accompanied by the findings and
25 determinations required in section 11(a) made publically available on ~~[ODFW]~~ **the Department**'s
26 website, and exercised within 14 days of the determination to exercise lethal force authority under this
27 section, or of the last confirmed depredation, whichever comes later.

28 Stat. Auth.: ORS 496.012, 496.138, 496.146, [&] 496.162, **498.012, & 498.014**

29 Stats. Implemented: ORS **496.012, 496.138, 496.146, 496.162,** ~~[496.171—496.192, 497.298, 497.308,]~~
30 ~~498.002, 498.006, 498.012 & 498.014~~ **498.014** ~~[498.026]~~

1 635-110-0020

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

3 NOTE: As of ~~[January 10, 2014]~~ April 19, 2019, the portions of these rules regarding harassment
4 and take of wolves are pre-empted in a portion of Oregon by the endangered status of the gray wolf
5 under the federal Endangered Species Act. In the portion of Oregon where federal protections are
6 reduced to a level below that of Oregon law, these rules govern harassment and take of wolves in
7 Oregon.

8 (1) This rule describes factors and regulations related to ~~[the types of]~~ harassment and take of
9 wolves ~~[allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent)]~~ during
10 Phase II ~~[— (Management: 5-7 breeding pairs) as called for in chapter III]~~ of the Oregon Wolf
11 Conservation and Management Plan. ~~[Other chapters of the Plan authorize ODFW to take wolves for other~~
12 ~~specified wildlife management purposes.]~~

13 (2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-
14 110-0010(2)).

15 (3) Non-lethal injurious harassment.

16 (a) Non-lethal injurious harassment conducted for the purpose of minimizing wolf-livestock
17 conflict when livestock are present is allowed without a permit on private land by livestock producers
18 (or their agents) on land they own or lawfully occupy. Livestock producers are encouraged to use non-
19 injurious techniques first. There must be no identified circumstance that attracts wolf-livestock conflict,
20 and the harassment must be reported to ~~[ODFW]~~ the Department within 48 hours.

21 (b) Non-lethal injurious harassment conducted for the purpose of minimizing wolf-livestock
22 conflict when livestock are present is allowed by permit on public land by grazing permittees (or their
23 agents) who are legally using public land under valid livestock grazing allotments and upon the following
24 conditions:

25 (A) ~~[ODFW]~~ The Department confirms wolf depredation on livestock or other wolf-livestock
26 conflict in the area. ~~["Other wolf-livestock conflict" means loitering near, testing, chasing, or otherwise~~
27 ~~disrupting livestock];~~

28 (B) The applicant confers with the Department to determine the most effective harassment
29 method(s);

30 ~~[(B)]~~ (C) ~~[ODFW]~~ The Department considers the location of known den sites;

31 ~~[(C)]~~ (D) There is no identified circumstance ~~[at the site]~~ which attracts wolf/livestock conflict; and

32 ~~[(D)]~~ (E) The harassment is reported to ~~[ODFW]~~ the Department 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 (5) Lethal take of wolves in the act of biting, wounding, killing or chasing livestock or working dogs.

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

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

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

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

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

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

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

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

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

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

21 (a) [ODFW] The Department may authorize its personnel, authorized agents, or Wildlife Services, to
22 use lethal force on wolves [at a property owner or permittee's request] if:

23 (A) [ODFW] The Department confirms [either:

24 -(i) two confirmed depredations by wolves on livestock in the area **within a consecutive nine-month**
25 period; and[-or]

26 [(ii) One confirmed depredation followed by three attempted depredations (testing or stalking)] in
27 the area;]

28 (B) [The requester documents unsuccessful attempts] Efforts to prevent or solve the situation
29 through non-lethal means **which are appropriate for the situation are documented by the**
30 livestock producer, grazing permittee, or representative; and

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

32 (D) [The requester has complied with] Evidence does not exist of non-compliance with

1 applicable laws, **including** ~~[and the conditions of]~~ any harassment or take permit **conditions**.

2 (b) Subject to the conditions specified in paragraph (c) and with a limited duration permit from
3 ~~[ODFW]~~ **the Department**, the following persons may use lethal force to deal with chronic
4 depredation: (A) Livestock producers (or their agents) on land they own or lawfully occupy; or
5 (B) Grazing permittees **(or their agents)** legally using public land.

6 (c) ~~[ODFW]~~ **The Department** will issue a permit to use lethal force to deal with chronic
7 depredation only if:

8 (A) ~~[ODFW]~~ **The Department** confirms that the area has had at least two **confirmed**
9 depredations by wolves on livestock **in the area within a consecutive nine-month period;**

10 (B) ~~[ODFW]~~ **The Department** determines that wolves ~~[are routinely present on that property and~~
11 ~~present]~~ **are** a significant risk to livestock **present in the area;**

12 (C) There is no identified circumstance ~~[at the site]~~ which attracts wolf/livestock conflict;

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

14 (E) **Efforts to prevent or solve the situation through non-lethal means which are appropriate**
15 **for the situation are documented by livestock producer, grazing permittee, or representative**
16 ~~[The applicant documents use of non-lethal methods]; and~~

17 (F) Any wolf taken **under this rule** is ~~[considered]~~ property of the state and reported to
18 ~~[ODFW]~~ **the Department** within ~~24~~**[48]** hours.

19 ~~{(7) "Identified circumstance" means a condition which:~~

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

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

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

24 ~~(8) "In the area" means where ODFW has determined the presence of the depredating wolves.]~~

25
26 Stat. Auth.: ORS 496.012, 496.138, 496.146, [&] 496.162, **498.012, & 498.014**

27 Stats. Implemented: ORS **496.012, 496.138, 496.146, 496.162,** ~~[496.171—496.192, 497.298, 497.308,]~~
28 ~~498.002, 498.006, 498.012 & 498.014 [498.026]~~

1 **635-110-0030**

2 **Harassment and Take of Wolves during Phase III (Management)**

3 NOTE: As of ~~[January 10, 2014]~~ **April 19, 2019**, the portions of these rules regarding harassment
4 and take of wolves are pre-empted in a portion of Oregon by the endangered status of the gray wolf
5 under the federal Endangered Species Act. In the portion of Oregon where federal protections are
6 reduced to a level below that of Oregon law, these rules govern harassment and take of wolves in
7 Oregon.

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

12 (2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR
13 635-110-0010(2)), **except that the harassment does not have to be reported to the Department.**

14 (3) Non-lethal injurious harassment is allowed under the same conditions as in Phase II (OAR 635-
15 110-0020(3)), except that wolf depredation on livestock or other wolf-livestock conflict may be
16 confirmed by either ~~[ODFW]~~ **the Department** or Wildlife Services.

17 (4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-
18 110-0010(4)).

19 (5) Lethal take of wolves in the act of **biting, wounding, killing or chasing** ~~[attaeking]~~ livestock **or**
20 **working dogs** is allowed under the same conditions as for Phase II (OAR 635-110-0020(5))~~], except that~~
21 ~~wolf depredation on livestock may be confirmed by either ODFW or Wildlife Services].~~

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

25 (7) The Commission **may** ~~[will]~~ authorize controlled take of wolves by special permit in
26 ~~specified~~**ed** areas ~~[where necessary]~~ to address ~~[chronic]~~ **long term, recurring** wolf-livestock
27 conflict[s], ~~[æ]~~ungulate population **objectives, or herd management goals**~~[declines]~~. ~~["Chronic"~~
28 ~~means two livestock depredations have been confirmed by ODFW or Wildlife Services, or one~~
29 ~~depredation followed by three attempted depredations (testing or stalking). The Commission may also~~
30 ~~choose to authorize such controlled take on private lands where the landowner is willing to provide~~
31 ~~access.]~~

1 Stat. Auth.: ORS 496.012, 496.138, 496.146, [&] 496.162, 498.012, & 498.014
2 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, [496.171–496.192, 497.298, 497.308,]
3 498.002, 498.006, 498.012 & 498.014 [498.026]

4

5 ~~{635-110-0040~~

6 **Incidental Take of Wolves**

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

10

11 ~~Statutory authority: ORS 496.012, 496.138, 496.146, 496.162~~

12 ~~Statutes implemented: ORS 496.171-496.192, 497.298, 497.308, 498.002, 498.006, 498.012, 498.026]~~

DRAFT